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ABSTRACT

This report on the congressional hearings before the House Subcommittee on Human Resources concerns the Juvenile Justice Amendments of 1980, a bill to reauthorize and extend the Juvenile Justice and Delinquency Prevention Act of 1974. The text of the proposed amendments is followed by numerous statements, letters, and supplemental materials presented by government and private citizen witnesses. Testimonies focus on the removal of juveniles from adult jails, the need for strengthening the family unit, and the special problems of runaways and juveniles who commit serious offenses. The text of the amended bill and a recommendation for its passage are included. The purpose of the bill and the proposed changes in federal assistance to state and local programs are discussed as a means to strengthen efforts to prevent and control juvenile delinquency and to improve the juvenile justice system. (NRB)

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JUVENILE JUSTICE AMENDMENTS OF 1980

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

SECOND SESSION

HEARING HELD IN WASHINGTON, D.C., ON
MARCH 19, 1980

Printed for the use of the Committee on Education and Labor

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EDUCATION & WELFARE
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JUVENILE JUSTICE AMENDMENTS OF 1980

WEDNESDAY, MARCH 19, 1980

House of Representatives,
Subcommittee on Human Resources,
Education and Labor Committee,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to notice, in room 2261, Rayburn House Office Building, Hon. Ike Andrews (chairman of the subcommittee) presiding.

Members present: Representatives Andrews, Coleman, and Kildee.

Staff present: Gordon A. Raley, staff director; Deborah L. Hall, clerk; and John E. Dean, minority legislative associate.

[Text of H.R. 6704 follows:]

I

96TH CONGRESS
2D SESSION
H. R. 6704

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 5, 1980

Mr. ANDREWS of North Carolina (for himself, Mr. PERKINS, and Mr. COLEMAN) introduced the following bill; which was referred to the Committee on Education and Labor

---

A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 241(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 14, is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes procedures or construction fixtures, or both, designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes procedures or construction fixtures, or both, designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration", and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended—

(1) by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General"; and

(2) by striking out "National Institute" and all that follows through "this Act" and inserting in lieu thereof "staff activities of the Council on Juvenile Justice and Delinquency Prevention established by section 206".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation

Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 3 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office, but not to exceed 90 days.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice concerning the overall policy and operations of the Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by the Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247 (as such section is in effect on the day before the effective date of this paragraph), and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS–18 of the General Schedule in section 5332 of title 5, United States Code, including traveltime.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703(b) of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "Such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "of whom" and inserting in lieu thereof "of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking out "and" the fifth place it appears therein;

(C) by inserting after "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents

and to”, and by inserting “delinquent youth and” after “encourage”.

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

“(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

“(i) remove juveniles from jails and lockups for adults;

“(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

“(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;”.

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

“(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14)) is amended by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator"; and

(2) by inserting after "juvenile" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities,".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by striking out "section 224" and inserting in lieu thereof "section 224(a)(5)";

(2) by striking out "endeavor to";

(3) by striking out "preferential" and inserting in lieu thereof "equitable";

(4) by striking out "to programs in nonparticipating States under section 224(a)(2)";

(5) by striking out "substantial or"; and

(6) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lock-ups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.".

PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13)" after "reallocation"; and

(2) by striking out "section 224" and inserting in lieu thereof "section 224(a)(5)".

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 14. Title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out part C thereof, by redesignating part D as part C, and by redesignating section 261 through section 263 as section 241 through section 243, respectively.

ADMINISTRATIVE PROVISIONS

SEC. 15. Section 242 of the Juvenile Justice and Delinquency Prevention Act, as so redesignated in section 12, is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 242. (a) The administrative provisions of sections 802, 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), and 817(c), and 818(a), 818(c), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

RUNAWAY AND HOMELESS YOUTH

SEC. 16. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families" after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "houses" and inserting in lieu thereof "centers", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "house" and inserting in lieu thereof "center".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 17. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is

amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" the first place it appears therein; and

(E) by striking out "Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention" and inserting in lieu thereof "Director of the National Institute of Justice".

(2) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(14) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(14)) is amended by striking out "Associate".

(8) Section 223(a)(17)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(17)(A)) is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(20) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(20)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(21)) is amended by striking out "Associate".

(11) The last sentence of section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is

amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

Mr. **Andrews.** Good morning, ladies and gentlemen, may I have your attention please.

The House Subcommittee on Human Resources convenes today to discuss H.R. 6704, a bill to reauthorize and extend the Juvenile Justice and Delinquency Prevention Act of 1974. I am pleased to be joined by Congressman Perkins, chairman of the Committee on Education and Labor, and Congressman Thomas Coleman of Missouri, ranking minority member of this subcommittee, in sponsoring this bill. The Juvenile Justice Act was born out of bipartisan concern and I am pleased to note that bipartisan cooperation has grown as the program itself has matured over the past 6 years.

The bill we have before us is a result of considerable work by staff, at my instruction and that of Mr. Coleman, which attempts to bring together a large number of suggested changes made by various groups during recent months. I believe I am safe in saying that Mr. Coleman and I believe these amendments represent necessary fine tuning to improve program performance—not a complete overhaul. We have adjusted the spark plugs, reset the timing, and made a few minor modifications here and there.

We are bringing this "vehicle" out for its first test run today and look forward to the reactions of those of you who are here because of your experience with the program over the last 6 years or some portion thereof.

Let me emphasize that we are not discussing the need for a new program today, but rather the extension of an existing one. We do not need to hear about the need for the program. We agree on that. What we need to hear about is what works and what doesn't—and what, if anything, needs to be fixed.

Our first witness today is Deputy Attorney General Charles B. Renfrew, representing the Justice Department, accompanied by Ira Schwartz, Administrator of the Office of Juvenile Justice and Delinquency Prevention. Gentlemen, we are pleased to have you. We very much look forward to your testimony. Let me say that we have an unusually long list of distinguished witnesses today. It has heen necessary to ask that the two Government witnesses limit their statement to not more than 10-minutes and that other people limit theirs to not more than 5 minutes.

We would appreciate it very much if you will observe these limits because only by that means can we and other members who might arrive have an opportunity to discuss with you questions about your statements. We feel we actually benefit from the discussion more than we do from simply hearing prepared statements being read. So, if you will, summarize your formal statements and then permit all of us an opportunity to discuss them.

If those of you who testify during the day can stay, and I know some of you cannot, it is quite possible, after having heard various dimensions of the program discussed, that at the end or near the end today we might like you to come back, if we have the opportunity, and reexamine some of the earlier issues. Also some of the earlier witnesses may want to supplement their statements in view of what may be said or done later in the day after their initial statement has been made.

Mr. Renfrew, I believe you said this is your first time to testify, at least in your present very important role.

[Prepared testimony of Charles B. Renfrew follows:]

Prepared Testimony of Charles B. Renfrew, Deputy Attorney General, Department of Justice

Mr. Chairman, this committee is today considering reauthorization of legislation of great significance to our Nation's youth, the Juvenile Justice and Delinquency Prevention Act. On behalf of the administration and the Department of Justice, I strongly urge that this important program be continued.

The Juvenile Justice and Delinquency Prevention Act is change-oriented and has had an impact far greater than many other government programs of comparable size. Since 1974, great progress has been made in removing status offenders and nonoffenders such as dependent and neglected youth from juvenile detention and correction facilities. Most states have pledged to separate juveniles in institutions from regular contact with accused or adjudicated adult offenders. New alternatives to traditional juvenile justice system processing of children have been demonstrated. Government agencies and private nonprofit organizations are joining together in cooperative programming to help young people.

Perhaps most importantly, we are moving away from merely reacting to youthful offenders. To a greater extent than ever before, we are working to prevent delinquency before it occurs. Prevention programs are being supported which focus on the schools and the educational process, which target the employment problems of young persons, and which deal with entire families as well as individuals.

The Juvenile Justice and Delinquency Prevention Act has caused officials at all levels of government to re-think the ways they have been doing business, including those of us at the Federal level. One place where an improvement must be made is in the area of coordination. It has been difficult to inter-relate the varied missions and responsibilities of separate Federal units to reflect a national youth strategy.

The Coordinating Council on Juvenile Justice and Delinquency Prevention presents a unique opportunity for Federal agencies administering programs which impact on youth to marshal their forces and act in a unified manner. I am very pleased to note that, with the strong support of the Attorney General, the groundwork has been laid by the Coordinating Council for more effective action. This mechanism for promoting consistency among Federal agencies is being better utilized than in the past. It is receiving the personal attention of policy makers and has set out to accomplish some very realistic objectives that have far-reaching implications.

As you know, Mr. Chairman, last May the Administration submitted to Congress its proposal to continue the authorization of the Juvenile Justice and Delinquency Prevention Act beyond Fiscal Year 1980. I will not go into all the details of that proposal now, but I would like to address one issue of particular importance.

REMOVAL OF JUVENILES FROM ADULT JAILS

It has long been recognized, Mr. Chairman, that children require special protections when they come into contact with the criminal justice system. An initial reason for the development of juvenile courts was to provide such protections and separate children from the adult criminal justice system. One area where we have failed to provide the necessary protection, however, is the placement of juveniles in adult jails and lock-ups.

The detention of juveniles in adult jails and lock-ups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action towards its resolution. Perhaps the general lack of public awareness and low level of official action is due to a low level of visibility of juveniles in jail—but they are there.

Not until 1971, with the completion of the National Jail Census, did a clear and comprehensive picture of the jailing of juveniles surface. On one day in 1970, the Census revealed 7,800 juveniles living in 4,037 jails. A comparable Census in 1974 estimated that the number of children held had grown to 12,744. Significantly, these surveys excluded facilities holding persons less than 48 hours. This is critical with respect to juveniles because it is the police lock-up and drunk tank to which alleged juvenile offenders are often relegated awaiting court appearance.

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The impact of jail on children is reflected by another grim statistic—the suicide rate for juveniles incarcerated in adult jails during 1978 was approximately seven times the rate among children held in secure juvenile detention facilities.

Mr. Chairman, I could give other reasons why it is bad policy to place juveniles in adult jails and lock-ups, both in social and economic terms. I am pleased to note a growing number of court decisions which concur in this view. Placing children in jails has been found to violate their rights to treatment, to constitute a denial of due process, and to be cruel and unusual punishment. Some of these rulings have been far-reaching.

Leading national organizations have been working together to address the jailing of juveniles, as well. On April 25, 1979, the National Coalition for Jail Reform adopted, by consensus, the position that no person under age 18 should be held in an adult jail. Members of the Coalition include the American Correctional Association, the National Sheriffs' Association, the National Association of Counties, the National League of Cities, the National Association of Blacks in Criminal Justice and the American Civil Liberties Union.

Despite this important attention, Mr. Chairman, the jailing of children remains a national catastrophe—one which this Committee has an opportunity to address. Great strides have been made under the Juvenile Justice Act in deinstitutionalizing status offenders and non-offenders. Pursuant to section 223(a)(13) of the Act, fewer juveniles are detained in all types of institutional settings where they have regular contact with adults. But more can be done through the Act to assure that juveniles are completely removed from adult jails and lock-ups, the most inappropriate of these institutional settings.

The current position of the Office of Juvenile Justice and Deliquency Prevention is that section 223(a)(13) requires at a minimum "sight and sound" separation of juveniles and adults in all institutions, including jails and lock-ups. Such separation has been particularly difficult to accomplish in county jails and municipal lock-ups because adequate separation, as intended by the Act, is virtually impossible within most of the facilities. As a result, juveniles are often isolated in what are the most undesirable areas of the facilities, such as solitary cells and drunk tanks. Also, there is no guarantee that children held in jails, though separated from adults, will receive even minimal services required to meet their special needs.

I propose to you that in reauthorizing the Juvenile Justice and Deliquency Prevention Act, Congress absolutely prohibit the detention or confinement of juveniles in any institution in which adults, whether convicted or awaiting trial are confined. Incentives should be provided to encourage the complete removal of children from adult jails and lock-ups as soon as possible.

I realize that it would be impossible to expect that the practices of prior decades can be changed overnight. It would also be unreasonable to suddenly demand that states which are making a good-faith effort to comply with current provisions of the Act be immediately given an additional burden. The requirement of the Act that juveniles and adults be separated in all institutions is laudatory, but with respect to jails and lock-ups we must go further than separation. I would suggest that a requirement be included that within an additional five years, participating jurisdictions remove all juveniles from adult jails and lock-ups. This will enable the thorough planning and preparation which will be needed to initiate such major changes, particularly on the part of state juvenile justice advisory groups. Further incentives could be placed in the statute to encourage effective action.

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Mr. Chairman, Ira Schwartz, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as well as Henry Dogin of OJARS and Homer Broome of LEAA, share my concern regarding this matter. Mr. Schwartz is accompanying me today and has a statement for submission to the Committee. Thank you for inviting us to be present today, and for your consideration of our views.

STATEMENT OF HON. CHARLES B. RENFREW, DEPUTY ATTORNEY GENERAL, DEPARTMENT OF JUSTICE

Mr. RENFREW. I am pleased, Mr. Chairman, to testify and have this be my first testimony in my capacity as Deputy Attorney General. As you know, I previously spent over 8 years as U.S. district judge and believe that that experience gave me an intimate and often personally painful acquaintance with the criminal justice system. Based on that experience, when I was told by Ira Schwartz that there was a possibility of testifying before your subcommittee, which I believe to have had a distinguished and very helpful record in supporting the whole juvenile justice system, I accepted with great relish. I do not think there is an area in the whole criminal justice system that warrants more attention and demands more concern than that of the juvenile justice system. I am very pleased to be here and for this to be my first appearance because I believe so wholeheartedly in what your subcommittee has been doing and the support you have given the administration in this very important part of our justice system.

I understand today that your subcommittee is considering reauthorization of legislation of great significance to our Nation's youth, the Juvenile Justice and Delinquency Prevention Act. On behalf of the administration and the Department of Justice, I strongly urge that this important program be continued.

The Juvenile Justice and Delinquency Prevention Act is change-oriented and has had an impact far greater than many other Government programs of comparable size. Since 1974, great progress has been made in removing status offenders and nonoffenders such as dependent and neglected youth from juvenile detention and correction facilities. Most States have pledged to separate juveniles in institutions from regular contact with accused or adjudicated adult offenders. New alternatives to traditional juvenile justice system processing of children have been demonstrated.

Government agencies and private nonprofit organizations are joining together in cooperative programing to help young people.

Perhaps most importantly, we are moving away from merely reacting to youthful offenders. To a greater extent than ever before, we are working to prevent delinquency before it occurs. Prevention programs are being supported which focus on the schools and the educational process, which target the employment problems of young persons, and which deal with entire families as well as individuals.

The Juvenile Justice and Delinquency Prevention Act has caused officials at all levels of government to rethink the ways they have been doing business, including those at the Federal level. One place where an improvement must be made is in the area of coordination. It has been difficult to interrelate the varied missions and responsibilities of separate Federal units to reflect a national youth strategy.

The Coordinating Council on Juvenile Justice and Delinquency Prevention presents a unique opportunity for Federal agencies administering programs which impact on youth to marshall their forces and act in a unified manner. I am very pleased to note that, with the strong support of the Attorney General, the groundwork has been laid by the Coordinating Council for more effective action. This mechanism for promoting consistency among Federal agencies is being better utilized than in the past. It is receiving the personal attention of policymakers and has set out to accomplish some very realistic objectives that have far-reaching implications.

As you know, Mr. Chairman, last May the administration submitted to Congress its proposal to continue the authorization of the Juvenile Justice and Delinquency Prevention Act beyond fiscal year 1980. I will not go into all the details of that proposal now, but I would like to address one issue of particular importance.

It has long been recognized, Mr. Chairman, that children require special protections when they come into contact with the criminal justice system. An initial reason for the development of juvenile courts was to provide such protections and separate children from the adult criminal justice system. One area where we have failed to provide the necessary protection, however, is the placement of juveniles in adult jails and lockups.

The detention of juveniles in adult jails and lockups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolution. Perhaps the general lack of public awareness and low level of official action is due to a low level of visibility of juveniles in jails—but they are there.

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Mr. Chairman, Ira Schwartz, the Administrator of the Office of Juvenile Justice and Delinquency Prevention, as well as Henry Dogin of OJARS and Homer Broome of LEAA, share my concern regarding this matter. Mr. Schwartz is accompanying me today and has a statement for submission to the committee. Thank you for inviting us to be present today, and for your consideration of our views.

Mr. ANDREWS. We are certainly grateful for your statement. I guess the most obvious question in my mind is why you would choose to leave the Federal bench or podium, if you please, and instead be at the Federal trough. I don't quite understand that but I admire your having done that.

Mr. RENFREW. Thank you, Mr. Chairman.

Mr. ANDREWS. Mr. Schwartz. We will be pleased to hear from you. It is our pleasure to have had you twice in recent times.

[Prepared testimony of Ira Schwartz follows:]

Prepared Testimony of Ira M. Schwartz, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice

It is a pleasure, Mr. Chairman, to appear before this Committee today on behalf of the Office of Juvenile Justice and Delinquency Prevention to discuss reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974.

As you know, I have been Administrator of the Office for only a few months. I came to the position with a sincere appreciation of the importance of this legislation. I am strongly committed to the goals which the Act seeks to accomplish and urge that you support reauthorization so that this vital work can continue.

Since enactment of the Juvenile Justice Act, this Committee has held a number of hearings to examine the operations of the Office. Our personnel have also made an extra effort to work with the Committee staff to assure that your are aware of significant developments relating to relementation of the Act. Your active interest in the program is appreciated.

In my statement today, Mr. Chairman, I would like to briefly discuss the status operations of the Office. I also fave some comments on aspects of H.R. 6704, the bill which you, Mr. Coleman, and Mr. Perkins have introduced to extend the JJDP Act.

The Juvenile Justice and Delinquency Prevention Act has had an impact far beyond its resources. Passage of the legislation caused persons both within and without the juvenile and criminal justice systems to question old ways of doing business and, in many instances, change their procedures.

A special report recently prepared for the Office by the National Institute for Juvenile Justice and Delinquency Prevention provides evidence of the extent of this impact:

> Since 1957 there has been a gradual increase in the number of cases referred to juvenile courts. Between 1970–1975 the total number of cases referred to juvenile courts increased by 28.8 percent.
>
> In the first 3 years following passage of the JJDP Act (1975–1977) the total number of cases referred to juvenile courts decreased by 3.6 percent.
>
> This decrease is largely accounted for by a 21.3 percent decrease in the number of status offenders referred to juvenile courts during 1975–1977.
>
> During the period 1975–1977 the percentage of youth detained among all youth referred to juvenile courts remained fairly constant at about 16 percent.
>
> Between 1975 and 1977 the percentage of status offenders referred to juvenile courts decreased from 32.6 to 21.1 percent. During this period the rate of detention of status offenders decreased by nearly 50 percent.

Certainly many factors have influenced these remarkable changes. I sincerely believe, though, that a major influence in accomplishing these reductions was the clear policy of the Act in support of these developments.

FORMULA GRANTS

Fifty-one states and territories are now participating in the JJDP Act formula grant program. Thus far this year, 41 jurisdictions have received OJJDP approval of their fiscal year 1980 formula grant plans. All participating states have established a monitoring system in compliance with section 223(a)(14) of the Act.

Monitoring reports for fiscal year 1979 indicate that 33 states and territories have demonstrated substantial compliance with the deinstitutionalization mandate of section 223(a)(12). An additional 13 states have shown significant progress toward substantial compliance.

There are 15 states in full compliance with the separation requirement of section 223(a)(13) of the Act. Another 21 have shown significant progress toward compliance.

Our records indicate, Mr. Chairman, that of a total of $61,631,000 in formula grants awarded in 1979, $36,406,569 or 59 percent was allocated to programs which had deinstitutionalization of status offenders and non-offenders as their objective. Every state participating in the formula grant program except three—New Jersey, the District of Columbia, and the Trust Territory of the Pacific Islands—allocated a portion of their formula grant to deinstitutionalization. New York, Florida, California, Georgia, North Carolina, Ohio, Pennsylvania, and Texas allocated particularly large sums of their formula grant award for this specific purpose.

OJJDP also examined state plans to ensure that funds were being equitably allocated towards separation and monitoring. Twelve states allocated $3,658,936 of their total formula grant allocation for separation programs. The remaining 39 states participating in the Act either did not have a problem with the separation of juveniles and adults or used other funds such as Crime Control Act or state levy moneys to address the problem.

Eighteen states surveyed allocated $812,075 of their JJDP awards for monitoring purposes. This figure does not include sums from administrative funds which many state criminal justice councils use for monitoring. We have also assured, Mr. Chairman, that all states participating in the Act are awarding at least 75 percent of their funds for programs utilizing advanced techniques, as required by section 223(a)(10).

TECHNICAL ASSISTANCE

Over 300 instances of technical assistance were provided in fiscal year 1979. This assistance was primarily in the following areas: Alternatives to secure confinement; Removal of juveniles from adult jails; Maximum utilization of existing resources; Deinstitutionalization of status offenders and non-offenders; Legislative reform; Monitoring compliance with sections 223(a)(12) and (13) of the Act; Building community support for positive system change; Increased management capability; and Delinquency prevention. A number of major publications have been developed to provide additional assistance.

SPECIAL EMPHASIS PROGRAMS

Of the $189,120,000 allocated for Special Emphasis programs since fiscal year 1975, $139,258,672 had been obligated as of March 15, 1980. This includes $89,353,000 of JJDP Act funds and $49,905,672 in LEAA Crime Control Act funds. Applications for a Youth Advocacy Initiative are now being processed and awards are expected to be made by the end of April. Guidelines have been issued for an Alternative Education Initiative and applications are due by April 30. This Initiative is of particular note because $3 million of the $11 million to be awarded are funds contributed by the Department of Labor. Guidelines were recently published in draft form for a Prevention Research and Development Program. Additional programs will be announced in the areas of Removal of Youth from Jails, Treatment of Juveniles Adjudicated for Violent Offenses, and Capacity Building. We expect that awards under all of these initiatives except Capacity Building, which is scheduled for next fiscal year, will be made by the end of fiscal year 1980. The total projected obligation for fiscal year 1980 is $52,189,000, which includes $37,045,000 in JJDP Act funds and $15,144,000 of Crime Control Act funds.

To date, Special Emphasis programs have served nearly 60,000 young people through 267 grants operating in 544 sites. Approximately 70 percent of the Special Emphasis funds have gone to private nonprofit organizations, a sum far in excess of the thirty percent required by law.

Our strategy for development and implementation of Special Emphasis programs has been based very specifically on the requirements of the Act. Programs have been structured and funded in ways which call national attention to distinct categories of youth. Specific performance standards are set for delivery of services. Each initiative has been funded as a group of projects, with emphasis on overall program goals as opposed to specific project objectives. Sizeable grants have been made to permit comprehensive planning, as opposed to planning for limited project objectives. Project periods have been specified and measurable objectives prescribed for those periods. Assurance of funding, within the limits of availability of funds, has been provided in advance.

Projects are monitored by OJJDP staff and groups of grantees meet two or more times a year for monitoring and to receive technical assistance. This helps grantees under each Special Emphasis Initiative see themselves as part of a national program.

The National Institute for Juvenile Justice and Delinquency Prevention is built into Special Emphasis program funding in several respects. Before an Initiative is even announced, the Institute supports intensive research which is applied to design of the program. During and after the project period, the Institute may have a role in the evaluation of program effectiveness. Such evaluations make possible the identification of successful approaches and models suitable for replication.

Special Emphasis programs are designed to direct attention to problems with the juvenile justice system and the human services delivery system. When several agencies participate in a program, written agreements among them are required.

In addition, requirements such as coordination of services, involvement of youth, parents and community residents in projects, and consortium program implementation have all assisted in addressing the broad objective of systemic change.

RESEARCH, EVALUATION, AND PROGRAM DEVELOPMENT

Consistent with the mandate of the Act, the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) has supported research to develop baseline data regarding the extent, nature and characteristics of delinquency and delinquents. Data has been collected pertaining to juvenile justice system processing of young people, and information is disseminated with respect to prevention programs and alternatives to traditional means which official agencies utilize to deal with children.

Among the accomplishments of NIJJDP is an improved and expanded national juvenile justice statistical reporting system. In addition to juvenile court statistics, the system also yields national offender-based systems flow data, beginning with police handling of young suspects. To amplify current data, the Institute is supporting a national survey of self-reported delinquency which will include the incidence and characteristics of drug use among a sample of juveniles. Such data is of vital significance for the development and maintenance of cost-effective delinquency programs.

Through the Assessment Center for Delinquent Behavior and Prevention at the University of Washington, NIJJDP can inform state and local prevention organizations what other agencies across the nation are doing. Evaluations are being supported to determine what types of programs work in addressing different juvenile problems. A number of conclusions have been reached as a result of this activity regarding which delinquency prevention strategies are most promising.

Among the topics on which the Institute has or will soon have research or evaluation results are the following: Deinstitutionalization of status offenders; Alternatives to secure detention; Diversion of delinquents from the juvenile justice system; Restitution; Learning disabilities and juvenile delinquency; Reduction of school crime and educational disruption; Serious juvenile offenders; and, Handling offenders outside the official system.

Beyond national assessments, evaluations and data base development, NIJJDP also supports an unsolicited research program. The essence of this program has been the development of new knowledge pertaining to the causes, correlates and remedial properties of delinquency. Research has focused on significant variables pertaining to delinquency and to possible intervention strategies involving the family, peer and community relationships, and the economic and social service systems.

A further component of the NIJJDP research effort is a newly formed minority-based research initiative. A deliberate effort is being made to encourage minority-based grant applications. Although no final decision has been made, we are also considering research next year specifically into the issue of disproportionate representation of minorities in the juvenile justice system.

CONCENTRATION OF FEDERAL EFFORT

Billions of Federal dollars impact on youth every year. The Department of Justice, through OJJDP, has been given responsibility in the JJDP Act for setting objectives and priorities for Federal juvenile delinquency programs. The Coordinating Council on Juvenile Justice and Delinquency Prevention, chaired by the Attorney General, is an important part of the effort to assure that there is consistency among the member Departments and agencies.

Today, the Coordinating Council is in a better position than in prior years to fulfill its legislative mandate and combat the fragmentation which has characterized the Government's response to youth crime. The Council has undertaken to assure that its efforts are not spread among too many areas and has focused on eight specific tasks. These range from making recommendations regarding juvenile delinquency policy to reviewing joint funding efforts among member agencies. The Council is also undertaking to determine the degree to which the practices of various agencies are consistent with the deinstitutionalization and separation mandates of the JJDP Act.

In the past, the Council has not had clearly articulated goals and objectives, nor have the tasks before it been delineated. Staff support for the Council has not been adequate and the work of the Council has not been organized so as to allow for the most advantageous use of the relatively small amount of time that members can devote to these activities. These problems are all being addressed. Of particular help will be the contract support for the work of the Council which is being provided by OJJDP. A workplan has been developed and will be followed. We are also endeavoring to assure that the Annual Analysis and Evaluation of Federal Juvenile Delinquency Programs is a useful document for policymakers in both Congress and the Executive Branch.

H.R. 6704—THE JUVENILE JUSTICE AMENDMENTS OF 1980

I would now like to turn my attention, Mr. Chairman, to H.R. 6704, the bill which you and several other Committee members have introduced to reauthorize the Juvenile Justice and Delinquency Prevention Act. The bill is commendable in many respects. Some of its provisions are quite similar to recommendations contained in the Administration proposal submitted last May. Other items included in the bill are quite innovative and will, if enacted, have a beneficial impact on the JJDP program. There are, however, some provisions in H.R. 6704 which are of concern. To assist the Committee in its deliberations, I shall offer some detailed comments and suggestions regarding those sections which we find most troublesome.

Of primary concern is the proposed repeal of Title II. Part C, Sections 241 through 250 of the JJDP Act. The effect would be to abolish the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) within OJJDP. This would have an extremely detrimental impact on the overall program.

As early as 1969, the need for a special entity to conduct juvenile research was recognized by several Members of Congress. Legislation to create an Institute for the Continuing Study of the Prevention of Delinquency was introduced that year by Congressman Tom Railsback and Senator Charles Percy. The essence of the Railsback-Percy proposal was included in the Juvenile Justice and Delinquency Prevention Act of 1974 as the National Institute for Juvenile Justice and Delinquency Prevention.

A Deputy Administrator has been designated by statute to head the Institute. The sections of the Act which H.R. 6704 would repeal give NIJJDP responsibilitties far beyond supporting research. These include mandates to serve as an information center and clearinghouse, to sponsor demonstration programs, to evaluate the effectiveness of juvenile delinquency programs, to provide for training for professionals in the juvenile field, and to assist in the development of juvenile justice standards. The placement of the program in OJJDP was felt to be particularly important because of the need for research on approaches to juvenile justice and delinquency prevention problems felt necessary before action programs were initiated by other parts of the Office.

The specific role anticipate for NIJJDP, and the success in filling this role, was affirmed in Congressional Reports accompanying the Juvenile Justice Amendments of 1977 as follows:

"The activities of the National Institute for Juvenile Justice and Delinquency Prevention are closely tied to the funding programs of this Office (OJJDP). The committee feels that the Office's effort to tie its action programs to research and to evaluation criteria in advance of awards being made is commendable, and in sharp contrast to earlier LEAA research efforts and should provide a valuable example to other Federal progams. (Senate Report 95-165, at pages 44-45.)

"The research initiatives of the Institute have been geared to laying the groundwork of the future special emphasis initiatives and have brought new knowledge to important areas of the juvenile justice system. (Ibid., page 64.)

"The Conferees strongly reaffirm the original integrated approach contemplated for the Office of Juvenile Justice and Delinquency Prevention and each of its component parts, especially as regards its Institute, which has helped to assure that the Office has avoided most of the disappointing experiences of the Crime Control Act program. (Statement of Managers, House Report 95–542 and Senate Report 95–368, page 22.)

In 1979, the Law Enforcement Assistance Administration was reorganized and LEAA's research arm was given independent status. In anticipation of this reorganization, the Administration's proposed Juvenile Justice Amendments, submitted last May, recommended that the new National Institute of Justice be given authority to conduct basic juvenile research. While functions of the National Institute of Justice (NIJ) parallel those of NIJJDP to a limited extent, the programmatic mandates of NIJ are broadly stated, with no special focus on juvenile justice and delinquency prevention. Juvenile delinquency prevention and control is critical. NIJJDP has made important contributions to the OJJDP program. I firmly believe that the Institute program should be continued and strengthened as a critical part of OJJDP.

The Administrator of OJJDP has a mandate to "implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities." He should have direct authority over the research arm that can inform him on matters pertaining to the policy and program alternatives that must be considered.

NIJJDP is only now beginning to realize its full potential. Without NIJJDP, OJJDP would be drastically altered. Information and practices which have been carefully built up over a period of years could be lost.

Turning now to other aspects of H.R. 6704, I note that new definitions of "secure detention facility" and "secure correctional facility" are recommended. These definitions track the revised definition of "detention and correctional facility" recommended by the Administration proposal except that they define secure in terms that include "procedures." This differs from the OJJDP guideline definition which provides a clear standard that states have followed for several years. We see no need for any change in the definition.

There is also a new definition in H.R. 6704 of the term "serious crime." The phrase is defined to include specific crimes, generally known as Type I offenses under the FBI's Uniform Crime Reports. While all of the listed offenses are major, I would suggest that not all the crime should be specified as serious for the purpose of identification of juvenile offenders. I specifically have in mind offenses such as motor vehicle theft and "larceny or theft." The National Institute for Juvenile Justice and Delinquency Prevention is supporting a considerable amount of research into the subject of serious juvenile crime. We would be glad to work with the Committee to develop a definition of serious crime that assures that the label of being a serious criminal offender will be applied to young people only in appropriate circumstances.

H.R. 6704 authorizes the Administrator of LEAA and the Director of NIJ to delegate authority to OJJDP. Section 820 of the Justice System Improvement Act currently gives the Administrator of OJJDP policy authority regarding LEAA juvenile programs and requires close coordination with the Directors of NIJ and BJS. The Administration opposes the delegation of authority in this manner between independent agencies.

H.R. 6704 would establish a Deputy Administrator for OJJDP to direct the staff activities of the Coordinating Council on Juvenile Justice and Delinquency Prevention, while abolishing the Deputy Administrator position for NIJJDP. I have already provided my views in opposition to abolishing NIJJDP. It follows that the position of Deputy Administrator for the Institute should remain. Although you may wish to consider providing another Deputy to manage all matters relating to Concentration of Federal Efforts, having a Deputy solely to direct the staff of the Coordinating Council is not justified at this time. The responsibilities of that position would simply be too limited to warrant Deputy status.

Up to 7.5 percent of the Title II appropriation is authorized by H.R. 6704 to go for Concentration of Federal Efforts each year. Ceilings of $500,000 each are set for the activities of the Coordinating Council and the National Advisory Committee. In all of these instances, we would prefer that a statutory maximum or minimum not be established because it reduces our flexibility to administer the program and respond to changing needs. Instead of a 7.5 percent ceiling, we would suggest a "reasonable amount" be indicated for Concentration of Federal Efforts. The 7.5 percent level is far greater than the current level of funding for Concentration of Federal Efforts.

While neither the Advisory Committee nor the Coordinating Council are using $500,000 at this time, there could be a future need for a higher amount. This is particularly true in the case of the Coordinating Council if data collection regarding Federal programs increases.

A number of additional statutory members are added to the Coordinating Council by H.R. 6704. I would caution the Committee that the Council should not be comprised of so many officials as to be unworkable. With the changes proposed, there would be six Department of Justice representatives on the Council.

Your bill suggests several changes to the National Advisory Committee for Juvenile Justice and Delinquency Prevention. A 21-member Committee with staggered four-year terms has been quite workable. The proposed reduction to 15 members would have a negative impact on the broad representation of interests possible on a 21-member body. I would also support a continuation of the requirement that one-third of the members of the Committee be under a certain age when appointed, rather than reduce the specified number of young people to 3 as proposed by H.R. 6704.

We have difficulty, Mr. Chairman, with the provision of H.R. 6704 which would permit the Chairman of the National Advisory Committee, who is not a Federal employee, to independently appoint staff for the Committee. The Committee is advisory to OJJDP. OJJDP has worked hard to assure adequate support for the NAC. We will continue to do so, with the hope of eventually providing full-time support through office staff. In this way, we can continue to build on the foundations established to date.

Current law speaks to reobligation and reallocation of formula grant funds in two instances. Section 222(b) states that funds unobligated at the end of a fiscal year are to be reallocated in accordance with Part B, which authorizes both the Formula and Special Emphasis grant programs. Section 223(d) states that formula funds from states not submitting a plan or submitting a plan which is found in noncompliance are to be reallocated as Special Emphasis funds. Since the latter provision is specific as to the allocation of unused funds, we have determined that it controls.

H.R. 6704 carries the ambiguity of current law further, to a point of conflict. Section 222(b) would be amended to require that unobligated formula funds be reallocated to the states consistent with a revised 223(a)(10)(H), a formula grant section. Section 223(d), on the other hand, would be amended to require formula funds to be reallocated for use pursuant to a revised section 224(a)(5), a special Emphasis section. This should be clarified.

Both the revised sections 222(b) and 223(d) would, by cross-referencing Sections 223(a)(10)(H) and 224(a)(5), limit the use of unallocated funds to state wide programs through the use of subsidies or other financial incentives to units of local government designed to remove juveniles from adult jails, replicate juvenile programs designated as exemplary by NIJ, or establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice. While these are worthy objectives, we feel they are too restrictive. I would, for example, favor continuation of the incentive objectives currently established by section 223(a)(10)(H)(i)–(iii). These advanced techniques encourage reduction of the number of commitments of juveniles to facilities, an increase in the use of nonsecure community-based facilities and discourage secure incarceration and detention. I feel it important that these activities continue to receive special attention and that they be retained.

A second concern regarding these provisions is that the reobligated funds can only be provided to states already in full compliance with sections 223(a)(12) and (13). Thus, states not in compliance could not get any reallocated funds to help them comply. The provision of current law permitting the Administrator to channel funds for "alternatives" in non-participating states would also be eliminated. We would like to retain the flexibility of current law. Through the Exemplary Project Program, the National Institute of Justice identifies in a systematic manner outstanding programs throughout the country, verifies their achievements and publicizes them widely. The goal is to encourage widespread use of advanced criminal justice practice. Seven juvenile programs have been designated exemplary to date. We support the replication of successful activities, but question the limiting of the use of reallocated funds for a narrow range of projects.

I strongly endorse the concept of adopting standards for the improvement of juvenile justice. Standards developed by the National Advisory Committee should not, however, necessarily be the basis for standards adopted by the states. The Advisory Committee standards, as well as those of other groups, should be a guide, but each jurisdiction should go through a standards development process on its own and decide which particular standards are appropriate.

H.R. 6704 would require that the state juvenile justice advisory groups report to the Governor and legislature regarding compliance. I would suggest, Mr. Chairman, that it be indicated that advisory groups may so report, but not to mandate such reporting at the state level.

H.R. 6704 would modify section 223(a)(14) of the Act to exempt from reporting requirements states in full compliance with sections 223(a)(12) and (13) and which have enforceable legislation in effect dealing with deinstitutionalization and separation. I object to this provision. Even if states have their own legislation in effect which parallels the requirements of the JJPD Act, reporting on a continuing basis is needed to assure that Federal funds are being properly utilized. If the states are going to still have to conduct monitoring pursuant to section 223(a)(14), then reporting on the results of monitoring as a condition of receiving Federal funds should not be a particularly great burden.

Under current law, a state can be found in substantial compliance with the Act, and be given additional time for full compliance, if it has reduced the number of status offenders and non-offenders held in detention and correctional facilities by 75 percent after three years of participation. H.R. 6704 would additionally permit a finding of substantial compliance, if, after three years, all adjudicated status offenders and non-offenders have been removed from secure correctional facilities. We oppose this potential weakening of the Act. Even though all juveniles might have to be removed from all secure correctional facilities, there would be no requirement on states taking this option to remove any status offenders or non-offenders from secure detention facilities until the period for full compliance arrived. All but a few participating states have been able to achieve substantial compliance within the period specified by current law. We see no need to dilute the effort previously required.

H.R. 6704 would repeal section 228(b) of the Act. That permits the Administrator, when there is no other way to fund an essential juvenile delinquency program, to authorize the use of JJPD Act formula grant funds to meet the matching share requirement for other Federal program grants. I believe that the use of funds as match will increase the leverage of limited formula grant funds. The Administrator's role is to assure that programs which are to be matched with formula grant dollars are consistent with the objectives and priorities of the Act.

H.R. 6704 would incorporate certain provisions of the Justice System Improvement Act as administrative provisions applicable to the JJDP Act. This is consistent with prior law. While I generally agree with the section so incorporated, you may wish to revise the scope somewhat. All of section 802 is incorporated, but I would suggest that only 802(a) and (c) are appropriate. 802(b) deals specifically with Parts D, E, and F of the Justice System Improvement Act. H.R. 6704 incorporates section 814(a), allowing appointment of experts and consultants. I would suggest that all of section 814 be included. 814(b) permits appointment of advisory committees and allows for their pay, while 814(c) allows payments made in installments, in advance or by reimbursements.

I would further suggest, Mr. Chairman, that all of section 815 of the Justice System Improvement Act by incorporated by reference in the JJPD Act. Section 815(a) prohibits Federal direction of local agencies, while section 815(b) prohibits conditioning the availability of grants on adoption of racial quota systems. H.R. 6704 incorporates section 818(a), (c), and (b) into the JJDP Act. I believe that when the Justice System Improvement Act was passed, the order of this section was changed, so you probably intended to incorporate sections 818(a), (b), and (d). Subsection (c) relates to intelligence systems, not funded under the JJDP Act.

Finally, Mr. Chairman, I would suggest you add sections 823 and 824 to be incorporated into the JJDP Act. Section 823 permits waiver of State liability for Indian tribe expenditures in certain instances, making it easier for the tribes to receive funds. Section 824 permits District of Columbia funds appropriated by Congress to be used as match.

That concludes my presentation, Mr. Chairman. I look forward to continuing to work with the Committee. Your consideration of my comments is appreciated.

STATEMENT OF IRA SCHWARTZ, ADMINISTRATOR, OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DEPARTMENT OF JUSTICE

Mr. Schwartz. Thank you, Mr. Chairman. It is a pleasure for me to be here. This is also the first opportunity I have had since assuming my position to testify formally before the committee. It is a pleasure to do so before one that has such a distinguished record in terms of supporting juvenile justice issues. I have a statement that I will submit for the record rather than take the time to read it, but I would like to highlight some of the comments contained in it.

First of all, I certainly concur and support the statements of Judge Renfrew with respect to the removal of juveniles from adult jails. It is a policy matter. Based upon the history of the act in terms of its achievement in other areas, I believe this is a realistic and achievable objective. Hopefully this will be included in the reauthorization proposal.

Some important changes have come about as a result of the act, Mr. Chairman. First of all, between 1957 and 1975 there was a dramatic increase in the rate of referral to the juvenile courts throughout this country. Since the Juvenile Justice and Delinquency Prevention Act was passed, I would hope in part because of the accomplishments of the act, the rate of referral to juvenile courts has abated. There is evidence to indicate the overall rate of referrals have actually begun to decline.

This has occurred in part largely because of the 21-percent decrease in the number of status offenders being referred to the courts in this country.

We have also noted that as of 1977 there has been a 50-percent drop in the rate of detention of status offenders in this country. Since 1977 this has probably improved further. I base that on the monitoring reports that we have received from the States and the number of States that have been able to achieve compliance with our legislation.

With respect to the future, there are several policy issues that the Office will be addressing. One is a greater focus on interagency agreements and cooperation in use of the Coordinating Council. Judge Renfrew pointed out the priority that that Council receives and will continue to receive in the future.

In addition, Mr. Chairman, we are going to be focusing on issues relating to minorities and females in the juvenile justice system. As a result of information and data gathered by the National Institute for Juvenile Justice, there is a significant indication that these areas warrant further attention on the part of the Office. We also plan to call upon the National Advisory Committee in a much more effective way than we have in the past with the intention that the members will assist us on issues of national policy.

Specifically with respect to H.R. 6704, we feel that the bill is commendable in many, many respects. It parallels certainly many aspects of the administration's bill. It has a number of innovative features, including the focus on removal of juveniles from jails. However, Mr. Chairman, there are a number of areas that are of concern to us which I would like to share with the committee.

First of all, the bill calls for the abolition of the National Institute of Juvenile Justice. We feel that with respect to this particular recommendation we would lose important functions of applied research, evaluation, standard setting, training, and information, and dissemination.

With respect to those issues as they apply to basic research, this is an issue that we would support in terms of its relationship with the National Institute of Justice and consistent with the Justice System Improvement Act and former LEAA legislation which has been reauthorized. The applied research activities of the Institute are closely tied with our action program. Many of the initiatives now being discussed are related to information developed by the Institute.

Given the policy responsibility of the Office of Juvenile Justice, it is imperative that we have a unit to inform us on the nature of delinquency and to inform us on the kind of policy options that are available to us. We don't feel that this particular role can be filled by the National Institute of Justice.

With respect to the Advisory Committee, we feel that the Committee ought to be retained at its present size rather than being reduced. The Chairman of the National Advisory Committee should not independently be able to appoint staff. This really ought to be the responsibility of the Administrator of the Office of Juvenile Justice. As I indicated earlier, we plan to work closely with the Advisory Committee, particularly with respect to issue of major national policy.

Regarding compliance, we certainly support the removal of status offenders from correctional facilities. However, any attempt to weaken the requirement of the legislation with respect to removal of status offenders from detention facilities is unwarranted. It would weaken the statute. The States have been able to achieve the objectives that are set forth in the legislation.

With respect to the utilization of the Office of Juvenile Justice funds as match moneys for other Federal programs, I feel this is a very important feature, in fact one of the unique features, of the legislation. It also provides an opportunity for States to leverage the funds that we have into other programs. We would hope that this feature will be retained and perhaps there might be consideration of expanding this for special emphasis programs.

Those, Mr. Chairman, are some of the specific comments that I have with respect to the legislation. They are delineated in greater detail in the statement that has been prepared and submitted to the committee. I certainly at this point will be happy to entertain any questions you may have.

Mr. ANDREWS. Thank you very kindly. Without objection, your entire statement will be submitted for the record.

Mr. SCHWARTZ. Thank you.

Mr. ANDREWS. I am sorry, we don't have enough seating capacity for everyone. Everyone here is welcome and we are particularly glad you are here. We specifically invited certain witnesses. If any of you who are standing at the rear are witnesses—I know that at least one or two are—and you can't find seats, why don't you just come up and take one of these seats? You can hear better and will be somewhat more comfortable than standing back there.

Mr. Coleman, do you have questions either of Judge Renfrew or the Administrator?

Mr. COLEMAN. Yes, I do. Thank you, Mr. Chairman.

Judge Renfrew, your comments this morning about the mandatory removal of juveniles from adult detention and correctional facilities within 5 years raises the issue of the cost of such a mandate. I was wondering if the Department has done any studies on what type of financial support would be necessary from the Federal Government and also from the States? What would be involved in terms of capital improvements?

Mr. RENFREW. I will turn the more detailed analysis back to Mr. Schwartz. In looking at this, we are talking about some 500,000 juveniles annually being jailed after involvement with the criminal justice system. The number of juveniles who actually need to be detained pending adjudication or other processing is in the neighborhood of 50,000 annually.

The actual expenses required to provide the separate facilities for these youths should not be excessive. Indeed, there may well be actual savings by such separation. At the present time, where juveniles are kept separate from adults in the same facility, there is a requirement that they have 24-hour care for those juveniles.

There is evidence that there are a number of underutilized State facilities such as hospitals where juveniles can be placed separate from adult offenders and alleged offenders. They could still be placed in a secure facility at a cost comparable to that of maintaining the then existing jail or lockup.

This is a very broad brush answer to your question. I will leave the details to Mr. Schwartz.

Mr. SCHWARTZ. Thank you. A lot of this has to do with the kind of planning that goes into determining how much secure custody detention is actually needed.

As Judge Renfrew indicated, a significant amount of savings can be realized in terms of departmental alternatives that are pretty much consistent with what is required by the act already. We plan to provide national discretionary funding to assist States in this effort, as well as technical aisstance and other support services we can provide.

Let my give you specific examples of the numbers we might be talking about.

Recently, the community of Davenport, Iowa, was involved in a planning process with respect to the removal of juveniles from jail facilities in Scott County, Iowa. A community of about 150,000 people, housed 400 juveniles in the jail every year. The jail was condemned for the second or third time. The decision was rendered to remove them from the jail facilities by a certain period of time. The county commissioners in that area were more than willing to provide the funds for a new juvenile detention facility if that were needed. However, as a result of a lengthy and careful planning process, considering the services they had, the kind of services they needed, what they were missing, and the kinds of alternatives that would remove the juveniles from jail without increasing the risk to the public, they came to the conclusion that the number of juvenile beds that they needed for secure custodial care was five. This was really based on a realistic look at the numbers of juveniles who needed that level of care.

That is not unrealistic, given the experience in other parts of the country.

The State of Pennsylvania has already moved to eliminate the jailing of juveniles. There are a number of other counties around the country that are also doing the same. There are a number of examples we can learn from. The savings that can be realized will be significant. Also, we have an opportunity to look at other kinds of resources that can be utilized to house juveniles that we have not really thought of in the past.

We are also going to focus in on how counties can take advantage of some of the services that are already there, such as was done in

Scott County. One of the things that came out of the Scott County study was the fact that they really did not have the volume of those kinds of battered, abandoned, abuse cases to warrant having 24-hour staff available 7 days a week.

One of the options being looked at is utilizing those staff to conduct detention screening and provide crisis intervention services to families. This is similar to the crisis prevention screening services for juveniles who might be arrested.

Mr. Coleman. Do you have any estimates made by the States? Have you asked the States what it would cost to qualify under your proposal?

Mr. Schwartz. No, we have not asked for estimated cost figures from the States.

Mr. Coleman. In your statement you said that a number of States, 15 I think it was, are already in compliance with the separation requirement. Is that correct?

Mr. Schwartz. That is correct.

Mr. Coleman. Twenty-one are in the process of turning over. What are the remaining States and what are some of the problems that you have seen the States experience in trying to make these changes? Are there some critical problems that the States face in attempting to meet the mandate of a complete separation?

Mr. Schwartz. Some of the problems have to do with the fact that services are not available evenings and weekends when many juveniles and young people are arrested. Consequently, many of them end up in jails. The next morning they are picked up by probation staff. That is one of the difficulties. In many cases, because there aren't proper screening services available, the law enforcement officers are charged with the responsibility for making detention decisions. There are a number of attempts around the country to try to mediate that particular problem. The lack of adequate shelter care programs and services is also a problem.

These are some of the issues really that need to be addressed by the States. I think they can be through the planning process with help from the State advisory committees. As a result of the progress which has been made by States with respect to the deinstitutionalization of status offenders, which was an issue which is probably equally as difficult as the one we are facing now, we feel there is very good reason to believe this is realistic and achievable.

Mr. Coleman. Thank you.

Mr. Chairman, I have other questions but why don't I give it back to you and let you ask some questions and we will go from there.

Mr. Andrews. I believe, in view of the time, that I will forego questions for the time being. Fortunately, I have the opportunity to be in touch with Mr. Schwartz from time to time and I am sure we will be able to enhance those opportunities in the future. Now, I will also look forward to future contacts with Mr. Renfrew, as well.

Mr. Coleman. If, in the interest of time, I ask Mr. Shwartz or the judge to submit some written questions to you, could you then provide me with written answers to be made part of the record.

Mr. Schwartz. I will be more than happy to.

Mr. Andrews. Prior to markup, we will review all your suggestions very carefully and you have made some good ones.

I might say, that we are dealing with a comparatively small program, as you know, in terms of this budget, somewhere around $100 million. I frankly don't see much hope of that amount being increased. So, as part of this fine tuning we mentioned earlier, our business becomes how best to use what we have.

With all deference and respect, and I do have both, for research and advisory committees and such—I am not belittling the work of either—it just sort of seems to me that we are caught in a dilemma with very, very limited funds.

I don't see how we can concentrate our efforts, Judge, on those most laudible goals to which you have referred and at the same time divert a considerable amount of funds into studies and research and plans and more books and reports and advice. I am inclined to think that people, such as the witnesses we have here today, who work throughout the country, pretty well know what the problem is and pretty well want to move along toward some solutions. I am inclined to use as much of our funds as is reasonably possible for staff and for inducement money, as you term it, to get the job done rather than keep studying and studying and restudying what the problem is. We pretty well know that.

In the judiciary, in the Solicitor General branch of the court system, in the field of social work, I think we have an abundance of professionals out there who know what needs to be done in their individual areas. I would suggest, Ira, that it is sort of frightening not to have estimates from the States as to what it would cost to remove juveniles from jails. It seems to me staff would have accumulated that kind of information. The staff, I believe, can help with that more than can citizen advisers.

That is my view of it. Anyway, we will try to thrash that out later.

Again, we very much appreciate both of you being here today and the very fine statements that you have both made. Unless there is something else you wish to say, we will again thank you and move on to the other panelists.

Mr. RENFREW. Thank you, Mr. Chairman.

Mr. SCHWARTZ. Thank you, Mr. Chairman.

Mr. ANDREWS. Next we are pleased to have, from the Department of Health, Education, and Welfare, Mr. Cesar Perales, who is Acting Assistant Secretary for Human Development Services of that Department. I will let you introduce those who accompany you.

[Prepared testimony of Cesar Perales follows:]

PREPARED TESTIMONY OF CESAR A. PERALES, ACTING ASSISTANT SECRETARY, FOR HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and members of the subcommittee, I am Cesar A. Perales and I am awaiting Senate confirmation on my nomination as Assistant Secretary for Human Development Services in the Department of Health, Education, and Welfare.

Thank you for the opportunity to meet with you today to discuss the Runaway Youth Act as authorized by title III of the Juvenile Justice and Delinquency Prevention Act of 1975, but more important, to discuss the needs of the youth this act is designed to serve.

I want you to know that I have had many occasions to see first hand the needs of runaway and homeless youth, most recently as the Department's principal regional official for region II, but even more so in my earlier years as a legal services lawyer among the poor and later as the director of the New York City Agency in which I, among other things, administered the 1974 legislation.

As I will indicate in my testimony today, this administration shares this subcommittee's continuing and evident interest in meeting the needs of an extremely vulnerable portion of our Nation's youth. We look forward to working with you in developing the best approach and in drafting the most effective legislation.

With this in mind, I wish to discuss, very briefly, the following points:

The background and goals of the Runaway Youth Act;

The current needs of runaway and homeless youth;

How, and with what results, our program is being administered;

Some basic principles which we feel should be included in legislation to extend the program.

BACKGROUND

The Runaway Youth Act was passed originally in response to concern over the growing numbers of youth who leave home without their parent's consent. According to a 1975 national survey, this number was more than 733,000 annually. Our experiences leads us to believe that the number of runaways has remained constant over the years. What has increased, since 1975, however, is the number of homeless youth, especially in the 16 to 18-year range, who have been pushed out by their own families. Our data, for example, show that nearly one-third of the youth served by our programs are in this category.

Whether runaway or throwaway, these young people are in vulnerable situations and subject to exploitation and social dangers.

The original legislation in 1974 provided for assisting States and local governments in setting up emergency shelters and in offering counseling which would, among other things, help these runaway youth return home or find another appropriate place to live.

In 1977 Congress passed amendments which expanded the scope of the legislation to include homeless youth and broadened agency eligibility for funds to coordinate networks of public and private providers across State lines.

Like runaways, these homeless or throwaway youth have enormous needs. They not only need a place to live but they need food, medical care, job counseling, educational opportunities, legal advice, counseling and a wide variety of other services.

PROGRAM ADMINISTRATION

In fiscal year 1979, the youth development bureau, in HEW's Office of Human Development Service, funded 165 projects in 48 States, as well as the District of Columbia, Puerto Rico and Guam.

Since 1977, these centers have served 116,000 young people and their families. Further, in this same period, the national toll-free hotline, set up to provide a neutral channel of communication between youth and their families, served 240,000 youth.

According to a national evaluation completed for the Department in March 1979 by Berkeley Planning Associates, our program, as shown through representative projects studied, has proved effective and is meeting the program's legislative goals. According to the Berkeley study, the counseling provided to the youth and the family has had a lasting effect in alleviating the problems that led to the youth's leaving home.

At the same time, the projects have broadened their activities in order to provide more effective help to the youths who come to them, including a significant number of homeless youths who are not runaways.

Under current law, these projects work not only to strengthen and reunite families, when that is possible, but also to assist young people in a wide range of interrelated problems—problems like unemployment, delinquency, and status offenses, teenage pregnancy, prostitution, drug and alcohol abuse, and child abuse and neglect.

In order to help respond to these problems, the projects have developed close ties and cooperative arrangements with a broad range of local public and private agencies, including law enforcement, juvenile justice, education, health, welfare, social service, and employment agencies.

Our programs in Michigan, Ohio, Massachusetts, Louisiana—just to mention a few—have been able to bring many other organizations into the process or providing services to runaway and homeless youth.

We have strengthened this kind of coordination by requiring our grantees to show, on applying for funds, that they are able to develop workable agreements with public and private agencies in their communities.

Projects have also shown success in using Federal funding as a magnet to attract local support, most notably the donated labor of volunteer staff. According to the projects studied in the national evaluation report, the average grant was $67,000, while the average annual operating budget was $146,000. Thus, more than half of the resources to keep these projects going came from local private contributions and State and local funds. We believe this is especially noteworthy in light of the fact that many of the young people served come from outside the local jurisdiction.

The youth development bureau has been exploring ways of improving services to meet the needs of youth and families in crisis by linking and broadening services. To do this, the bureau has awarded grants in seven States for demonstration projects focused on providing services directed towards certain youths, including teenage prostitutes, pregnant adolescents, adolescent parents, youth from divorced or relocated families, and deinstitutionalized status offenders. Funds for these projects are not from the appropriation for runaway youth but come from funds under research and demonstration, section 426 of the Social Security Act. Here we are pulling together resources in order to broaden our knowledge about these youth.

The seven youth demonstration grants, the target populations that they are serving, and the services they are providing include the following:

The Bridge, Inc.: Boston, Mass.: Home Front is an alternative family living center for alienated, pregnant adolescents. The program is designed to re-educate, train, and support these young women from pregnancy into parenthood through a nonresidential "community" providing comprehensive information, support, and recreation services on a daily basis as well as medical assistance prior to, during, and after childbirth.

Crosswinds, Inc.: Merrit Island, Fla.: Horizon House, a short-term residential facility, is designed to address the needs of dependent youth affected by revsions in the Florida juvenile justice laws mandating the deinstitutionalization of status offenders. The services that are provided—counseling, social skills development, and other supportive services—are designed to assist the youth to be able to live independently.

The Bridge for Runaway Youth, Inc.: Minneapolis, Minn.: The Bridge is designed to address the needs of female adolescents involved in prostitution. It provides positive role models, a safe living environment and supportive services designed to improve self-perceptions and interpersonal relationships. The end objective of these services is to increase the residents' awareness of alternatives to prostitution and to provide the skills required to take advantage of these alternatives.

The Center for Youth Services, Inc.: Rochester, N.Y.: The Families in Transition project is designed to support the positive development of youth who are experiencing transitions in their families due to divorce or relocation; and to raise community awareness of the frequency and dynamics of family transition and its effects on youth and their families. Peer support groups are being established within both a high school and a community setting designed to provide mutual assistance to youth in dealing with family issues. Additionally, videotapes are being developed (by youth) designed to share the experiences of youth related to family transition.

Voyage House, Inc.: Philadelphia, Pa.: The Life Skills Resource Center provides remedial academic assistance, life skills training, and counseling designed to increase the ability of youth to function effectively in everyday life. The tutorial and other approaches that are employed draw upon materials which are basic to everyone's life—e.g., newspapers, leases, job applications—in order to increase academic proficiency while, at the same time, providing training in basic life skills.

Iowa Runaway Service: Des Moines, Iowa: The demonstration component seeks to foster the development of a statewide youth network as well as to fill existing gaps in the delivery of services to youth. The service components are being provided through three runaway projects located in different sections of the State. The services being provided by the Iowa Runaway Service in Des Moines include the development of foster care placement in adjacent rural communities in order to provide shelter to youth in crisis within or near to their home communities, and the conduct of workshops for youth in Des Moines in cooperation with other youth-serving agencies. Total awareness, located in Council Bluffs, is providing aftercare services to youth and their families, and

Foundation II in Cedar Rapids has established a home-based family counseling program.

Interface Community, Inc.: Newbury Park, Calif.: The demonstration component is designed to provide counseling as well as skill development assistance in decisionmaking, self-responsibility, and self-reliance to three youth target populations: (1) 16- to 18-year-old youth who require assistance in living independently; (2) abused and neglected youth aged 10 to 18 who are in need of survival skills and supportive assistance in order to remain in their own homes; and (3) adolescent parents who require training in parenting, independent living, and related areas.

The bureau is also working to better coordinate its activities with those of other Federal agencies with complementary programs and responsibilities. These activities include:

A joint effort with the day care division, within the Administration on Children, Youth, and Families, involving 10 runaway centers to analyze and disseminate information on day care models for meeting the before and after school needs of older youth.

Closer coordination among the runaway youth programs—the social services program under title XX of the Social Security Act, and the Child Welfare Services program under title IV–B of that act. This is being done through a grant with the State of Ohio.

A project with the National Center on Child Abuse and Neglect and the National Institute of Mental Health (NIMH) to analyze and disseminate, among, title III grantees, information on adolescent abuse and neglect, and on effective treatment.

An agreement with the National Institute on Drug Abuse (NIDA) to use runaway centers for disseminating information on drug abuse.

A cooperative agreement with the departments of labor and justice for a jointly funded program under which 23 runaway projects will serve as youth employment demonstration grants.

We expect during the next 3 years to obtain new information which will give us greater insight into how the runaway youth program might better be integrated into the existing network of Federal and other programs now helping this group of young people and their families in crisis. This information will include the results of the demonstration projects and our experience in the cooperative arrangements noted above. It will also include what we learn as we implement the amendments to the child welfare services program, contained in H.R. 3434, which was just recently agreed to by a conference committee.

CONSIDERATION FOR REAUTHORIZATION

Shortly we will send our reauthorization proposal for the next 3 years for the Runaway Youth Act to the Congress.

We believe a number of basic principles need to be incorporated in the act:

Primary emphasis should be placed on the development of new projects, rather than on continued funding for existing ones;

Projects should reduce their dependence on runaway youth act funding and strengthen their ties with other community-level human services programs; and

Projects should rely to the greatest extent possible on local resources to achieve continued support and viability.

Funds freed as a result of the above efforts should be used to ensure broader geographic coverage, by funding the start up costs of new programs in underserved areas around the country.

We believe that these principles will assist in spreading the benefits of the runaway youth centers to a wider geographic area and provide services in presently unserved sections of the country. Further, we believe that encouraging increased local support will enhance the value of the program, as well as making it possible to serve more youth in crisis with limited resources.

Toward that end our proposed bill will: Reauthorize the Runaway Youth Act for 3 years; fund no new project for more than 3 years; require that 10 percent of the funds appropriated for fiscal year 1981 be allocated for new projects; 10 percent of fiscal year 1982's funds go to new projects; and 20 percent of fiscal year 1983's funds go to new projects; require that the non-Federal share be in cash; place a limit of $100,000 for Federal share of any one project; and change the matching rate so that the maximum Federal match is 90 percent rather than require a 90 percent Federal contribution.

COMMENTS OF H.R. 6704

We recognize that the introduction of H.R. 6704 is another indication of your strong interest in this program and we are pleased by your continuing support. However, we would urge you instead to enact the administration's proposals which I have outlined. Specifically, we oppose the following features:

Extending the program for 4 years and continuing the authorization of $25 million dollars per year. We recommend instead a 3-year extension, consistent with our proposal to fund projects for up to 3 years, with authorization of $11 million dollars for 1981. This reflects the administration's budget request and "such sums" authorization for subsequent years.

Basing distribution on grants on the number of youth in each State under age 18. We recommend that the program remain a project grant. This would permit the targeting of funding for the most underserved areas, responding to areas of greatest need, and promoting the best capability of continuing to support the project after the initial project period. This would not be possible by distributing funds on a population formula.

Increasing to $150,000 the limit for priority for grants. We recommend that no grant exceed $100,000. This will permit a more widespread coverage of services and thereby ease the problems of underserved areas. It will also encourage greater local support—and thus continuing viability and responsiveness—of these projects.

Providing supplemental grants to runaway centers and grants for on-the-job training relating to specific disabilities. We believe that sufficient authority already exists, and is currently being used to fulfill such needs. Moreover, we believe it is unwise to add unnecessary and duplicative authority, which fragments program efforts and dilutes the effectiveness of available resources.

We support, however, provisions of explicit authority for grants for the national communication system.

CONCLUSION

Finally, let me express my thanks to you, Mr. Chairman, and the members of the subcommittee, for your continuing and evident interest in meeting the needs of a vulnerable portion of our Nation's youth. As I have indicated, the administration shares that interest. We hope that, with your help, we will be able to move forward and serve these young people in increasingly effective ways. We urge you to act favorably on the administration's proposals which I have outlined for extension and amendment of the Runaway Act.

Thank you for inviting me to testify, Mr. Chairman. I will be pleased to respond to any questions you and the other members of the subcommittee may have.

STATEMENT OF CESAR PERALES, ACTING ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE; ACCOMPANIED BY JOHN A. CALHOUN III, COMMISSIONER, ADMINISTRATION FOR CHILDREN, YOUTH, AND FAMILIES; AND LARRY DYE, DIRECTOR, YOUTH DEVELOPMENT BUREAU, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. **Perales**. I will be pleased to do that, Mr. Chairman. Sitting at my right is Mr. Jack Calhoun, who is the Commissioner for the Administration of Children, Youth, and Families, and on my left is Mr. Larry Dye, who is the Director of the Youth Development Bureau.

Let me preface my remarks by saying that I was scheduled for a confirmation hearing this morning. I indicated to the Finance Committee that I had rather important testimony to give, so that has been put off until tomorrow. So, I am Assistant Secretary-designate at the moment.

In the interest of time, I will not read my entire testimony. I have some remarks taken from the testimony that I will deliver.

First, I want to thank you for the opportunity to discuss the Runaway Youth Act. I would like you to know that I have had many personal occasions to see the needs of runaway and homeless youth, especially in my years as legal services lawyer and later as director of the New York City agency which, among other things, administers the Juvenile Justice and Delinquency Act of 1974.

I would like you to know that this administration looks forward to working with you in developing a most effective legislation.

With this in mind, I would like to highlight briefly the following points from my written testimony. The Runaway Youth Act was passed in response to concern over the growing number of youths who leave home without their parents' consent—more than 733,000 annually, according to a 1975 national survey. Our experience leads us to believe that the number has remained constant over the years.

What has increased, however, is the number of homeless youth who have been pushed out by their own families. Our data show that nearly one-third of the youths are in this category. The original legislation provided for assisting States and local governments in setting up emergency shelters and in offering counseling which would help runaway youth to return home or find another appropriate place to live. The 1977 amendments expanded the legislation to include homeless youth and broaden agency eligibility for funds to coordinate networks of service providers.

In 1979, the Youth Development Bureau funded 165 projects in 48 States, the District of Columbia, and Puerto Rico. Since 1977, these centers have served 116,000 young people and their families, and the national toll-free hot line has served 240,000.

According to a national evaluation completed for the Department in March 1979 by Berkeley Planning Associates, our program, as shown through 20 representative projects studied, has proved effective and is meeting the program's legislative goals. These projects work not only to strengthen and reunite families when that is possible but also to assist young people in a wide range of interrelated problems—unemployment, delinquency and status offenders teenage pregnancy, prostitution, drug and alcohol abuse, child abuse, and neglect.

To help respond to these problems, the projects have developed close ties and cooperative arrangements with local public and private agencies including law enforcement, juvenile justice, education, health, welfare, social service, and employment agencies. We have strengthened this kind of coordination by requiring our grantees to show on applying for funds that they are able to develop workable agreements with public and private agencies in their communities.

Projects studied in the Berkeley evaluation have been successful in attracting local support, including voluntary staff and public and private contributions. The Youth Development Bureau has also awarded grants in seven States to demonstrate services for teenage prostitutes, pregnant adolescents, adolescent parents, youth from divorced or relocated families, and deinstitutionalized status offenders.

Funds from section 426 of the Social Security Act also administered by HEW were used for these projects. Details about these demonstration grants are included in my written testimony. The Bureau is also working to coordinate its activities with those of other Federal agencies with complementary programs and responsibilities. One example is a cooperative agreement with the Department of Labor and Justice for a jointly funded program under which 23 runaway projects will receive youth employment demonstration grants.

We expect in the next 3 years to bring new insight into how the runaway youth program might be better integrated into the existing network of Federal and other programs. This will be the payoff from our demonstration projects, our interagency agreement, and from what we learn as we implement H.R. 3434 just recently agreed to by a conference committee.

Shortly, we will send to Congress our 3-year reauthorization proposal for the Runaway Youth Act. We will offer some basic principles encouraging development of new projects rather than merely continued funding existing ones, reducing dependence on Runaway Youth Act funding, promoting greater reliance on local resources for continued support, and using funds freed as a result of these efforts to insure a broader geographic coverage.

Among other things, the proposed bill would fund no new projects for more than 3 years unless a waiver were granted, require that 10 percent of the funds for fiscal year 1981 and 1982 go to new projects and 20 percent in 1983, require that the non-Federal match of 10 percent be in cash, and we would continue the limit of $100,000 for Federal share for any one project.

We will also recommend continuing discretionary grant funding in part to be able to respond to areas of greatest need.

Thank you for inviting me to testify. I will be pleased to answer any questions you might have.

Mr. **Andrews**. Thank you very kindly for a very good and concise statement.

Do either of the other gentlemen wish to add to what Mr. Perales has said?

Mr. **Perales**. You may hear from them during the question-and-answer period.

Mr. **Andrews**. I will say, in passing, that the proposal that you say we will have shortly, was actually due May 15 of last year. We would appreciate anything you can do to speed that along. We hope to get it, certainly, before the markup of this bill. If it is to serve any purpose, it will have to be delivered here rather than retained whereever it might be now.

Mr. **Perales**. It will be delivered shortly.

Mr. **Andrews**. Mr. Coleman?

Mr. **Coleman**. I have a question regarding the runaway centers that are federally sponsored. Is there any requirement that notification be given to the parents of youths who utilize the services?

Mr. **Perales**. I don't think there is a requirement.

Mr. **Dye**. We do seek, within each program, that they try to notify the parents. However, we also do struggle with that which is in the best interests of the child.

Mr. **Coleman**. So it is not an automatic requirement?

Mr. **Dye**. No.

Mr. **Coleman**. Can you give me any idea of the percentage which are notified? Do you have any statistics?

Mr. **Dye**. No. We have statistics on the number of youths that we are able to reunite with the families which are about 70 percent of the youth that come in for shelter. We do notify a significant number of those people.

Mr. COLEMAN. Are these suggestions that you make to the local centers merely informal suggestion or are they written down in guidelines?

Mr. We have a set of guidelines which are in writing.

Mr. COLEMAN. Can you give us a copy of those guidelines?

Mr. DYE. Yes.

[The document referred to follows:]

federal register

TUESDAY, NOVEMBER 28, 1978
PART II

DEPARTMENT OF HEALTH EDUCATION, AND WELFARE

Office of Human Development Services

■

RUNAWAY YOUTH PROGRAM

Administration Requirements

[4110-92-M]

Title 45—Public Welfare

CHAPTER XIII—OFFICE OF HUMAN DEVELOPMENT SERVICES, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1351—RUNAWAY YOUTH PROGRAM

AGENCY: Office of Human Development Services, HEW.

ACTION: Final rule.

SUMMARY: These regulations establish the requirements that govern the administration of the Runaway Youth Program grants. They provide information necessary for grantees and potential grantees, and runaway or otherwise homeless youth and their families, to clearly understand the purpose of the Runaway Youth Program. Written comments, suggestions, and objections to the Notice of Proposed Rulemaking published in the FEDERAL REGISTER on February 23, 1978 (43 FR 7600) were carefully considered in developing these final regulations. Decisions reached and changes made are explained. The basis for these regulations is the Runaway Youth Act, Title III, Juvenile Justice and Delinquency Prevention Act of 1974, as amended by the Juvenile Justice Amendments of 1977.

DATE: November 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia T. Jefferson, Youth Development Bureau, Administration for Children, Youth and Families, Office of Human Development Services, DHEW, 330 Independence Avenue, SW., Washington, D.C. 20201, 202-245-2862

SUPPLEMENTARY INFORMATION: The Runaway Youth Act provides financial assistance to develop or strengthen proposed or existing runaway youth projects. These projects are community-based facilities designed to take care of the immediate needs (temporary shelter, counseling, and aftercare services) of runaway or otherwise homeless youth, and their families. The law mandates that grantee organizations or agencies be outside the law enforcement structure and the juvenile justice system. The statute also makes provision for technical assistance and short-term training. Those eligible for grants are: States, localities, and private nonprofit agencies, and coordinated networks of private nonprofit agencies. HEW is revising its Runaway Youth Program regulations (41 FR 54296), December 13, 1976, (45 CFR Part 1351) in order to:

(1) Implement the Juvenile Justice Amendents of 1977 relating to the Runaway Youth Program;

(2) Clarify and simplify the existing regulations under HEW's Operation Common Sense. The aim of Operation Common Sense is to produce readable and understandable regulations which reflect Congressional intent and which do not unnecessarily regulate consumers and providers, including State and local governments; and

(3) Carry out the goals of the President's zero-based review of Federal planning requirements. The purpose of the zero-based review is to eliminate unnecessary, burdensome requirements.

1977 RUNAWAY YOUTH ACT AMENDMENTS

The 1977 Amendments give priority to applicants whose grant request to provide services to runaway or otherwise homeless youth is less than $100,000. Priority is also given to applicants whose total project budgets, considering all funding sources, are less than $150,000. Previously these dollar thresholds were $75,000 and $100,000, respectively. The amendments also require that crisis care services be provided to otherwise homeless youth, as well as runaway youth and their families. HEW is also authorized to provide short-term training to runaway or otherwise homeless youth service providers. Coordinated networks of nonprofit private agencies are now eligible for grant assistance in addition to States, localities, and individual nonprofit private agencies.

In the original Act, client records could only be released with the consent of the parent or legal guardian. However, the Department included in the regulations published in the FEDERAL REGISTER on December 13, 1976, provisions for the consent of the youth and parents or legal guardians prior to the release of records. In the amendments, Congress acknowledged and affirmed the Department's decision for joint consent through legislative mandate in Section 7(a)(3) of the 1977 amendments (which amends Section 312(b)(6) of the original Act.

SUBPARTS

For the purposes of clarity, the final regulations for Part 1351, the Runaway Youth Program, are divided into three basic subparts. These subparts, and significant regulations contained in them, are discussed separately to describe any changes made to the Notice of Proposed Rulemaking published in the FEDERAL REGISTER on February 23, 1978. The purpose of the subpart and its basis is also given.

Subpart A, *Definition of Terms*, defines significant terms used in the Act and these regulations. This subpart includes new terms—for example, "coordinated networks of agencies", "homeless youth", and "short-term training". It deletes certain definitions which are unnecessary or redundant. Other definitions have been revised to clarify administrative policy and to reaffirm particular administrative decisions reflected in the proposed regulations published in the FEDERAL REGISTER on February 23, 1978.

The definition for "coordinated networks of agencies" was revised to mean only private nonprofit agencies. This is based on an analysis of public comments and a legal opinion within the Department.

The provisions of Subpart B, *Runaway Youth Program Grant*, pertain to the purpose of the Runaway Youth Act and provide rules regarding grant applications and the use of grant funds.

Section 1351.14 incorporates provisions regarding application for continued grant support. These provisions were not included in the proposed rulemaking because the Department was re-examining the advantages and disadvantages of awarding grants competitively each year versus providing continued financial support to current grantees during a maximum project period of three years. Based on its review, the Department will continue to adhere to policies in the regulations (Section 1351.12) published in the FEDERAL REGISTER on December 13, 1976.

Section 1351.17 informs applicants that the criteria used in rating grant applications will be published annually in the FEDERAL REGISTER as a part of the official program announcement.

Section 1351.18 describes the involvement of both the youth and the parent or legal guardian in the development of plans for case disposition. It also includes provisions for the contact of parents or legal guardians within a preferred time frame. Section 1351.19 describes provisions regarding the confidentiality of client information. The provisions in Sections 1351.18 and 1351.19 were inadvertantly omitted from the proposed rulemaking; however, the Department considers these policies proper and reasonable and has included them as a part of these final regulations.

Subpart C, *Additional Requirements*, explains administrative requirements affecting grantees and potential grantees. These requirements are acceptance of technical assistance and short-term training; coordination with a 24-hour National toll-free communication system; and submission of statistical reports profiling clients served. The purpose of this subpart is to outline the nature of these requirements and to describe the types of assistance and training that will be available.

The requirements for technical assistance and short-term training are based on the Department's intent to improve the administration of the Runaway Youth Program by increasing the capability of the runaway service providers to deliver services. The requirement for coordination with the 24-hour toll-free communication system is based on the need to assure that runaway or otherwise homeless youth are aware of the availability of services and can be referred for assistance regardless of their whereabouts. The statistical reporting requirements are based on the legislative mandate in Section 312(b)(6) of the Act which states that "runaway youth projects shall keep adequate statistical records profiling the children and parents which it serves. . . ." This information is provided in the Annual Report to Congress on the Runaway Youth Program.

PUBLIC COMMENTS

Comments received in response to the proposed regulations were carefully considered. Revisions have been made where appropriate. These changes and significant areas of comment are described below. The decisions made after review of public comments are explained.

1. *Definitions*—(a) *Youth:* Several comments suggested that the definition of a youth as "a person who has not yet reached the legal age of majority" was vague, confusing, contradictory, and could present problems in providing services. State laws vary on the "age of majority" and this could result in grantees having to serve two significantly distinct groups because of the different legal relationships between parents and youth in the age range of 18 to 21. Also, the level of maturity for the 18 to 21 group is different. Their needs are more acute and they require longer-term services and greater staff expertise than runaway youth projects are designed to provide. Given these substantive needs differences and the varying legal relationships, it would not be possible for runaway youth projects to accomplish the intent and goals of the Act, such as reuniting youth with their families. Accordingly, revisions have been made to the proposed definitions of "runaway youth" and "homeless youth". The definitions describe these youth as persons under 18 years of age. The Department will continue to adhere to the age ceiling set forth in the regulations published in the FEDERAL REGISTER on December 13, 1976.

(b) *Technical Assistance:* Concern was expressed that the proposed definition of technical assistance was not adequate because it could be confused with that of "short-term training". The nature of technical assistance places emphasis on problem resolution and increases the overall capability of grantee organizations to administer an effective program. Current grantees report frustration because of an unclear understanding of the nature and function of technical assistance. To take care of this concern, the Department has revised the definition used in the past and has presented additional examples of technical assistance and removed those related to short-term training.

(c) *Short-term Training:* Numerous comments noted that short-term training is the development of staff skills to strengthen the effective delivery of services. Comments also indicated that allowing the training to be State, local or regionally-based will contribute to making the training more useful and accessible to grantee organizations. The Department agrees with these suggestions and has revised Section 1351.20(a) and the definition of "[illegible]rm training" in Section 1351.1(m).

(d) *Temporary Shelter:* It was recommended that the present definition be revised to include a specific time frame to define short-term room and board. Since it is not the Department's intention to establish group homes for permanent or long term care of runaway or otherwise homeless youth, the Department accepts this recommendation. It was decided that a maximum time frame of 15 days would be appropriate. This is based on the average length of stay by a youth in a local runaway youth project as indicated through statistical reporting requirements placed on grantees over the past three years.

2. *Standard for capacity:* A few comments recommended that a standard which requires a minimum residential capacity of four be added to the Program Performance Reporting Requirements placed on grantees in September 1976. The Department has decided to establish a minimum residential capacity to assure a quantifiable standard for measuring whether a runaway youth project is in fact complying with the Act and these regulations regarding shelter. The decision to establish a particular minimum capacity of four is based on limited resources available to runaway youth projects. Therefore, Section 1351.17(d) has been revised.

3. *Indian eligibility:* One comment recommended that Indian tribes be specifically mentioned as eligible to apply for grants as they are considered local units of government. 45 CFR Section 74.3 notes that Federally recognized Indian tribes are presently eligible to apply as localities. All other Indian tribes and Indian organizations are eligible to apply for grants as private nonprofit organizations. These regulations have been revised to include a specific reference to these groups in the definition of "locality" in Section 1351.1(l).

A second recommendation was made to earmark 10 percent of the appropriation specifically for Indian tribes and organizations. The Runaway Youth Act does not permit set-asides for any group of runaway or otherwise homeless youth. The regulations have not been revised in this regard.

4. *Accreditation of local private nonprofit agencies:* One comment suggested that these applicants be awarded grants if accredited by an independent body designated by the Department. This accreditation would establish whether or not the agency has met acceptable professional standards. All runaway youth projects funded by the Department are required to adhere to local licensing requirements for shelter facilities. These requirements address minimum professional standards in such areas as administration, personnel, training, physical facilities, and records and reports. Therefore, the Department believes that a regulation requiring private nonprofit applicants to be accredited is unnecessary.

5. *Technical Changes:* In addition to the revisions described above, the Department has incorporated various suggestions regarding minor technical changes designed to clarify the language and intent of the regulations.

(Catalog of Federal Domestic Assistance 13.623—Runaway Youth)

Dated: August 23, 1978.

ARABELLA MARTINEZ,
Assistant Secretary for
Human Development Services.

Approved: November 8, 1978.

HALE CHAMPION,
Acting Secretary.

Chapter XIII of Title 45 of the Code of Federal Regulations (CFR), Part 1351 is amended as follows:

Subpart A—Definition of Terms

Sec.
1351.1 Significant Terms.

Subpart B—Runaway Youth Program Grant

1351.10 What is the purpose of the Runaway Youth Program grant?
1351.11 Who is eligible to apply for a Runaway Youth Program grant?
1351.12 Who gets priority for the award of a Runaway Youth Program grant?
1351.13 What are the Federal and non-Federal participation requirements under a Runaway Youth Program grant?
1351.14 What is the period for which a grant will be awarded?
1351.15 What costs are supportable under a Runaway Youth Program grant?
1351.16 What costs are not allowable under a Runaway Youth Program grant?
1351.17 How is application made for a Runaway Youth Program grant?

1351.18 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?
1351.19 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

Subpart C—Additional Requirements

1351.20 What are the additional requirements under a Runaway Youth Program grant?

AUTHORITY: 91 Stat. 1058 (42 U.S.C. 5711)

Subpart A—Definition of Terms

§ 1351.1 Significant terms.

For the purposes of this part:

(a) "Aftercare services" means the provision of services to runaway or otherwise homeless youth and their families, following the youth's return home or placement in alternative living arrangements which assist in alleviating the problems that contributed to his or her running away or being homeless.

(b) "Area" means a specific neighborhood or section of the locality in which the runaway youth project is or will be located.

(c) "Coordinated networks of agencies" means an association of two or more nonprofit private agencies, whose purpose is to develop or strengthen services to runaway or otherwise homeless youth and their families.

(d) "Counseling services" means the provision of guidance, support and advice to runaway or otherwise homeless youth and their families designed to alleviate the problems which contributed to the youth's running away or being homeless, resolve intrafamily problems, to reunite such youth with their families, whenever appropriate, and to help them decide upon a future course of action.

(e) "Demonstrably frequented by or reachable" means located in an area in which runaway or otherwise homeless youth congregate or an area accessible to such youth by public transportation or by the provision of transportation by the runaway youth project itself.

(f) "Homeless youth" means a person under 18 years of age who is in need of services and without a place of shelter where he or she receives supervision and care.

(g) "Juvenile justice system" means agencies such as, but not limited to juvenile courts, law enforcement, probation, parole, correctional institutions, training schools, and detention facilities.

(h) "Law enforcement structure" means any police activity or agency with legal responsibility for enforcing a criminal code including, police departments and sheriffs offices.

(i) "A locality" is a unit of general government—for example, a city, county, township, town, parish, village, or a combination of such units. Federally recognized Indian tribes are eligible to apply for grants as local units of government.

(j) "A nonprofit private agency" is any agency, organization, or institution whose net earnings do not benefit any private shareholder, governing board member, or individual and which agrees to be legally responsible for the operation of a runaway youth project. It may include agencies which are fully controlled by private boards or persons. Non-Federally recognized Indian tribes and Indian organizations are eligible to apply for grants as nonprofit private agencies.

(k) "Runaway youth project" means a locally controlled human service program facility outside the law enforcement structure and the juvenile justice system providing temporary shelter, either directly or through other facilities, counseling and aftercare services to runaway or otherwise homeless youth.

(l) "Runaway youth" means a person under 18 years of age who absents himself or herself from home or place of legal residence without the permission of parents or legal guardian.

(m) "Short-term training" means the provision of local, State, or regionally based instruction to runaway or otherwise homeless youth service providers in skill areas that will directly strengthen service delivery.

(n) "A State" includes any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and any territory or possession of the United States.

(o) "Technical assistance" means the provision of expertise or support for the purpose of strengthening the capabilities of grantee organizations to deliver services.

(p) "Temporary shelter" means the provision of short-term (maximum of 15 days) room and board and core crisis intervention services, on a 24-hour basis, by a runaway youth project.

Subpart B—Runaway Youth Program Grant

§ 1351.10 What is the purpose of the Runaway Youth Program grant?

The purpose of the Runaway Youth Program grant is to establish or strengthen existing or proposed community-based runaway youth projects to provide temporary shelter and care to runaway or otherwise homeless youth who are in need of temporary shelter, counselling and aftercare services. The Department is concerned about the increasing numbers of youth who leave, and stay away from, their homes without permission of their parents or legal guardian. There is also national concern about runaway youth who have no resources, who live on the street, and who represent law enforcement problems in the communities to which they run. The problems of runaway or otherwise homeless youth should not be the responsibility of already overburdened police departments and juvenile justice authorities. Rather, Congress intends that the responsibility for locating, assisting, and returning such youth should be placed with low-cost, community-based human service programs.

§ 1351.11 Who is eligible to apply for a Runaway Youth Program grant?

(a) States, localities, nonprofit private agencies and coordinated networks of private nonprofit agencies are eligible to apply for a Runaway Youth Program grant unless they are part of the law enforcement structure or the juvenile justice system.

§ 1351.12 Who gets priority for the award of a Runaway Youth Program grant?

In making Runaway Youth Program grants, HEW gives priority to those private agencies which have had past experience in dealing with runaway or otherwise homeless youth. HEW also gives priority to applicants whose total grant requests for services to runaway or otherwise homeless youth are less than $100,000 and whose project budgets, considering all funding sources, are smaller than $150,000. Past experience means that a major activity of the agency has been the provision of temporary shelter, counseling, and referral services to runaway or otherwise homeless youth and their families, either directly or through linkages established with other community agencies.

§ 1351.13 What are the Federal and non-Federal Financial Participation requirements under a Runaway Youth Program grant?

HEW will pay 90 percent of the costs of operating a runaway youth project for any fiscal year. Grantees must pay 10 percent of the costs of operating a runaway youth project for any fiscal year.

§ 1351.14 What is the period for which a grant will be awarded?

(a) The initial notice of grant award specifies how long HEW intends to support the project without requiring the project to recompete for funds. This period, called the project period, will not exceed three years.

(b) Generally the grant will initially be for one year. A grantee must submit a separate application to have the support continued for each subsequent year. Continuation awards within the project period will be made provided the grantee has made satisfactory progress, funds are available, and HEW determines that continued funding is in the best interest of the Government.

§ 1331.15 What costs are supportable under a Runaway Youth Program grant?

Costs which can be supported include, but are not limited to, temporary shelter, referral services, counseling services, aftercare services, and staff training. Costs for acquisition and renovation of existing structures may not normally exceed 15 percent of the grant award. HEW may waive this limitation upon written request under special circumstances based on demonstrated need.

§ 1351.16 What costs are not allowable under a Runaway Youth Program grant?

A Runaway Youth Progam grant does not cover the cost of constructing new facilities.

§ 1351.17 How is application made for a Runaway Youth Program grant?

HEW publishes annually in the FEDERAL REGISTER a program announcement of grant funds available under the Runaway Youth Program Act. The program announcement states the amount of funds available, program priorities for funding, and criteria for evaluating applications in awarding grants. The announcement also describes specific procedures for receipt and review of applications. An applicant should:

(a) Obtain a program announcement from the FEDERAL REGISTER or from one of HEW's 10 Regional Offices in Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle;

(b) Obtain an application package from one of HEW's Regional Offices; and

(c) Upon fulfillent of the requirements of OMB-Circular A-95 which can also be obtained at one of HEW's Regional Offices, submit a completed application to the Grants Management Office at the appropriate Regional Office.

§ 1351.18 What criteria has HEW established for deciding which Runaway Youth Program grant applications to fund?

In reviewing applications for a Runaway Youth Program grant, HEW takes into consideration a number of factors, including:

(a) Whether the application meets one or more of the program's funding priorities; (see § 1351.13)

(b) The need for Federal support based on the number of runaway or otherwise homeless youth in the area in which the runaway youth project is or will be located;

(c) The availability of services to runaway or otherwise homeless youth in the area in which the runaway youth project is located;

(d) Whether there is a minimum residential capacity of four and a maximum residential capacity not to exceed 20 youth with a ratio of staff to youth sufficient to assure adequate supervision and treatment;

(e) Plans for meeting the best interests of the youth involving, when possible, both the youth and the parent or legal guardian. These must include contacts with parents or legal guardian. This contact should be made within 24 hours, but must be made no more than 72 hours following the time of the youth's admission into the runaway youth project. The plans must also include assuring the youth's safe return home or to local government officials or law enforcement officials and indicate efforts to provide appropriate alternative living arrangements.

(f) Plans for the delivery of aftercare or counseling services to runaway or otherwise homeless youth and their parents or legal guardians;

(g) Whether the estimated cost to the Department for the runaway youth project is reasonable considering the anticipated results;

(h) Whether the proposed personnel are well qualified and the applicant agency has adequate facilities and resources;

(i) Whether the proposed project design, if well executed, is capable of attaining program objectives;

(j) The consistency of the grant application with the provisions of the Act and these regulations.

§ 1351.19 What additional information should an applicant or grantee have about a Runaway Youth Program grant?

(a) Several other HEW rules and regulations apply to applicants for or recipients of Runaway Youth Program grants. These include:

(1) The provisions of 45 CFR Part 74 pertaining to the Administration of Grants;

(2) The provisions of 45 CFR Part 16, Departmental Grants Appeal Process, and the provisions of Informal Grant Appeal Procedures (Indirect Costs) in volume 45 CFR Part 75;

(3) The provisions of 45 CFR Part 80 and 45 CFR Part 81 pertaining to nondiscrimination under programs receiving Federal assistance, and hearing procedures;

(4) The provisions of 45 CFR Part 84 pertaining to discrimination on the basis of handicap;

(5) The provisions of 45 CFR Part 46 pertaining to protection of human subjects.

(b) Several program policies regarding confidentiality of information, treatment, conflict of interest and State protection apply to recipients of Runaway Youth Program grants. These include:

(1) *Confidential information.* All information including lists of names, addresses, photographs, and records of evaluation of individuals served by a runaway youth project shall be confidential and shall not be disclosed or transferred to any individual or to any public or private agency without written consent of the youth and parent or legal guardian. Youth served by a runaway youth project shall have the right to review their records; to correct a record or file a statement of disagreement; and to be apprised of the individuals who have reviewed their records. Procedures shall be established for the training of project staff in the protection of these rights and for the secure storage of records.

(2) *Medical, psychiatric or psychological treatment.* No youth shall be subject to medical, psychiatric or psychological treatment without the consent of the youth and parent or legal guardian unless otherwise permitted by State law.

(3) *Conflict of interest.* Employees or individuals participating in a program or project under the Act shall not use their positions for a purpose that is, or gives the appearance of being, motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business or other ties.

(4) *State law protection.* HEW policies regarding confidential information and experimentation and treatment shall not apply if HEW finds that State law is more protective of the rights of runaway or otherwise homeless youth.

(c) Nothing in the Runaway Youth Act or these regulations gives the Federal Government control over the staffing and personnel decisions regarding individuals hired by a runaway youth project receiving Federal funds.

Subpart C—Additional Requirements

§ 1331.20 What are the additional requirements under a Runaway Youth Program grant?

(a) To improve the administration of the Runaway Youth Program by increasing the capability of the runaway youth service providers to deliver services, HEW will require grantees to accept technical assistance and short-term training as a condition of funding for each budget period.

(1) Technical assistance may be provided in, but not limited to, such areas as:

- Program Management,
- Fiscal Management,
- Development of coordinated networks of private nonprofit agencies to provide services, and
- Low cost community alternatives for runaway or otherwise homeless youth.

(2) Short-term training may be provided in, but not limited to, such areas as:

- Shelter facility staff development,
- Aftercare services or counseling,
- Fund raising techniques,
- Youth and Family counseling, and
- Crisis intervention techniques.

(b) Grantees will be required to coordinate their activities with the 24-hour National toll-free communication system which links runaway youth projects and other service providers with runaway or otherwise homeless youth.

(c) Grantees will also be required to submit statistical reports profiling the clients served. The statistical reporting requirements are mandated by the Act which states that "runaway youth projects shall keep adequate statistical records profiling the children and parents which it serves . . .".

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Mr. COLEMAN. I note also that sometimes this committee is a little bit more generous in granting authorizations than are the agencies in proposing authorization levels for particular programs. For example, you are asking for $11 million and the existing legislation has an authorization of $25 million.

Mr. PERALES. $11 million is what is in the President's budget.

Mr. COLEMAN. You want to stick with the $11 million? You are still acting. [Laughter.]

Mr. PERALES. As I indicated $11 million is in the President's budget.

Mr. COLEMAN. The ceiling grant size we have authorized is $150,000 and you would like to see the maximum grant size maintained at $100,000?

Mr. PERALES. You will note that the intent of the changes we would seek is to insure greater distribution of funds. Quite frankly, this program is not expanding quickly. We understand that we will not get an expansion this year and our interest is in reaching those areas where we do not have presently any programs. In order to do that I think we had best keep the Federal funding of programs beneath the $100,000 level. Very few of our programs presently get more than $100,000.

Mr. COLEMAN. Do you encourage your runaway shelters to maintain an informal relationship with the local police or law enforcement agencies? For example, if there is drug abuse or some other violation of law in a shelter, what action should the shelter take?

Mr. DYE. Generally, most of the shelters develop working relationships with other social service agencies and with law enforcement. We find that a number of the law enforcement agencies will bring youth to the programs rather than arrest them when they locate them on the street. The other working relationships are also combined with referral services and other service-oriented local programs. If youths come in who are in need of drug referral services, they will be taken to a service delivery program that offers that service.

Mr. COLEMAN. When a violation of law occurs within a shelter, do you encourage immediate contact with law enforcement officials?

Mr. DYE. Each program by its autonomous nature would deal with that issue in the context of the program. Some would have rules that would exclude the youth from the program. Some would have rules that make contact with other organizations.

Mr. COLEMAN. You mentioned earlier that 70 percent of the runaways utilizing your shelters are eventually reunited with their parents. Has any study been done into the question of how many of these youths subsequently run away from home again?

Mr. DYE. We just completed a study that the majority of the placements that are made after the temporary shelter have been reasonably successful in terms of the youth's staying there. One of the features of the programs that we run is that it is an open door program and any youth can walk through the front door and request some services. We have found that a number of youth once reunited with their families have established links back with the program. Instead of their running a second time or going out and getting into trouble in the community they will come on a voluntary basis back for services, starting to eliminate or prevent the kind of problems that we see.

We see a significant number of youths in that category.

Mr. **Coleman.** I assume you are gathering data on the types of juveniles utilizing runaway centers and their particular needs. Is this information analyzed and sent back out to the runaway centers for use in improving the services available?

Mr. **Dye.** Yes. We gather information on each youth that is served in the program. We compile that statistically on national basis. Then we refer the data back to the programs.

Mr. **Coleman.** Thank you.

Mr. **Andrews.** Again we thank you. Mr. Perales, we wish you good luck in your confirmation hearing. We look forward to working with you.

Mr. **Perales.** Thank you very much.

Mr. **Andrews.** We thank all of you. I might say for the benefit of all of you who are interested that our witnesses today are not just selected at random. We have heard, as I am sure all of you know, the two principal Federal agencies or departments who are involved in this program, the Department of Justice and the Department of HEW. We have had thus far two witnesses from the first and three from the second. The next witness is Barbara Sylvester, vice-chair of the National Advisory Committee, who will testify and represent the the National Advisory Committee. Then we will have elected officials, State and local representatives, and four people operating programs throughout the country, representatives from private and nonprofit groups. We will also hear from a very distinguished person from New York and another from Reston, Va. representing the National Council of Jewish Women and the Association of Junior Leagues.

So, Barbara, in that context we certainly welcome you here and look forward to your statement.

[Prepared testimony of Barbara Sylvester follows:]

PREPARED STATEMENT OF BARBARA SYLVESTER, VICE CHAIR, NATIONAL ADVISORY COMMITTEE, NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION, DEPARTMENT OF JUSTICE

Thank you Mr. Chairman. The NAC Chair, C. Joseph Anderson, requested that I convey to you his appreciation of being asked to testify and his disappointment that he was unable to be here in person. He has a case in Federal Court today and therefore asked me, as Vice Chair, to present the views of the National Advisory Committee.

I have a prepared statement which I will read and submit for the record and I will then be pleased to answer any questions you may have. The NAC has submitted a summary of its positions concerning reauthorization to you and therefore I will confine my comments to those provisions of H.R. 6704 on which the Advisory Committee has discussed and taken a position.

First, I wish to commend you on this excellent piece of legislation. It addresses issues which the Advisory Committee has discussed during the year and many of our recommendations concur with those proposed in this bill.

Regarding the structural position of OJJDP, we recommended that the Office be included as a separate independent arm or "box" under the OJARS structure on the same organizational level as LEAA, the National Institute of Justice, and the Bureau of Justice Statistics, but we certainly support your much bolder recommendation to place OJJDP under the general authority of the Attorney General.

We strongly support the recommended four year authorization period which will maintain an authorization cycle separate from that of the OJARS legislation. The NAC has also endorsed an authorization level of $200 million for the JJDP Act in fiscal year 1981 and an authorization level of $25 million for the Runaway Youth Act in fiscal year 1981. (I will address another recommendation concerning the Runaway Youth Act later in my testimony.)

The NAC agrees with the recommended definition of "State" which would include the territories.

The NAC has discussed the preliminary findings of the research conducted by the National Center for Juvenile Justice which states that minority youth are referred to court more often, detained more frequently, and incarcerated at a higher rate than their white counterparts. Therefore, we heartily endorse the bill's emphasis on minority and disadvantaged youth.

The Advisory Committee supports strengthening the role of the SAG's by changing the language of the provision concerning advising the Governor and legislature from "may" to "shall".

The NAC has discussed at length recommendations to dilute or weaken the 75-percent deinstitutionalization compliance provision of the Act and has taken the position that it supports maintaining the 75-percent compliance level. Although we have not discussed the concept of different compliance levels for detention and correctional facilities as proposed in H.R. 6704, I am rather certain that the Advisory Committee would support that recommendation.

Concerning the recommendations which are directed at the National Advisory Committee itself, we agree with:

> Seeking input on a regular basis from juveniles under the juvenile justice system,
>
> Allowing members to continue to serve (not to exceed 90 days) until their successors are appointed, and requiring that vacancies must be filled within 90 days,
>
> Deleting the statutory requirement for specific subcommittees of the NAC,
>
> Authorizing a specific appropriation for the activities of the NAC each year, providing that staff will be appointed by the Chair with the approval of the Advisory Committee,
>
> Submitting annual and interim reports to the President and Congress, and
>
> Reducing the age defining a youth member from 26 to 24.

We do not agree, however with the recommendation to reduce the number of members on the NAC from 21 to 15 and the number of youth members from 7 to 3. H.R. 6704 still proposes four basic functions for the NAC and, since most of our work is done in subcommittees, we will probably continue to need four subcommittees to effectively meet those mandates. In our opinion, fifteen members, including the Chair, will not provide adequate membership for subcommittee work.

We also oppose making the term of membership on the NAC three years rather than four. Since we meet only quarterly, it takes some time for new members to learn the workings of the Committee, become familiar with the intricacies of the Federal bureaucracy, and thereby reach their full potential.

We realize that the fact that members of the Federal Coordinating Council are ex officio members of the NAC has not meant much in the past, but we have made tremendous progress during the past 6 months in improving the communication and coordination between the two bodies. A good example of this progress is that the NAC and the Coordinating Council will be holding a joint meeting in June. Therefore, we recommend that the Coordinating Council members' ex officio status on the NAC be maintained.

While, as I mentioned earlier, this is an excellent bill, given the complexity of the issues, there are bound to be differences of opinion—and there are.

The NAC opposes deleting the reporting requirements of 223(a)(14) for those States in compliance and which have legislation that can be enforced. We believe that the monitoring reports have demonstrated that legislation is often ignored and that all States should be required to report the results of their monitoring to OJJDP.

We also oppose the transfer of the National Institute of Juvenile Justice and Delinquency Prevention to the National Institute of Justice. One of the strengths of the Office, and in our opinion, a unique aspect of OJJDP compared to many other Federal programs, is that programs are based on documented needs, and the results of those programs are evaluated to determine what has and what has not been effective. Additionally, our Subcommittee to Advise the Institute has been working very diligently with the National Institute in attempting to improve and expand the mandated training and clearinghouse functions of NIJJPD. From my perspective, as a citizen trying to improve the juvenile justice system in my State of South Carolina, information and training are two of our greatest needs at the State and local level. We are concerned that the clearinghouse and training functions will be lost in the reorganizational shuffle and that the coordination between programming and research and evaluation will be destroyed.

We did not have an opportunity to review your recommended definitions of secure detention and correctional facilities, but, in an attempt to clarify this important and controversial portion of the Act, we have endorsed the Administration's proposed definition, which is that the term "means any secure public or private facility, used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult offenders".

Regarding the additional members which are recommended for the Coordinatnig Council, that NAC has also considered methods for improving the Coordination of Federal Effort and strengthening the role of the Federal Coordinating Council. We recommend, however, that the Council remain primarily a cabinet level body under the chairmanship of the Attorney General with only three additional members, namely, the Director of the Office of Management and Budget, a member of the President's Domestic Council, and a representative of the National Advisory committee.

Because we are concerned that the integrity of the Runaway Youth Act may be undermined by attempts to merge it with the Title IVB or Title XX of the Social Security Act within the Department of Health, Education and Welfare, we have recommended that the authority for administering the Runaway Youth Act be transferred to the Office of Juvenile Justice and Deliquency Prevention.

The NAC opposes the recommendation to include an emphasis on the serious offender because the current LEAA legislation permits the use of its funds for such purposes and because the Juvenile Justice and Deliquency Prevention Act has and continues to make important strides toward removing form the justice system those youngsters who do not need its authority to habilitate themselves. We believe that the Act should continue to focus on these young people.

Finally H.R. 6704 proposes that reverted funds be reallocated for subsidy programs to complying states. While the NAC has not recommended a modification of section 223(d), we have recommended to Mr. Schwartz that "the Office devise ways to utilize reverted funds from non-complying states in a manner which will support responsible efforts to accomplish compliance". We have urged that the Office support advocacy efforts in non-complying states which would lead toward compliance, and the Office provide funding to jurisdictions where there is concrete evidence of their commitment to achieve 100 percent deinstitutionalization.

Thank you.

STATEMENT OF BARBARA SYLVESTER, VICE CHAIR, NATIONAL ADVISORY COMMITTEE, FLORENCE, S.C., NATIONAL ADVISORY COMMITTEE ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Ms. SYLVESTER. Thank you.

Mr. Chairman, remember that from what part of the country I come from, I talk a little bit slower than the rest of the people, I might run a bit over my 5 minutes.

Mr. ANDREWS. I have an idea that I can understand that. [Laughter.]

Ms. SYLVESTER. On behalf of our chairman, Mr. Joseph Anderson, I am here representing him and he sends you his best and his appreciation to you and the rest of the committee in the legislation that you have produced and also the support you have given us. Mr. Anderson is unfortunately tied up in a Federal court hearing today and is unable to be here. But I am most certainly delighted to be here and be a part of your hearing, Mr. Chairman—a test run.

As the vice chair of the National Advisory Committee on Juvenile Justice and Delinquency Prevention, I am delighted to speak for them as a whole today and if I inject something of my own, I will most certainly state that. I believe that the committee has been supplied with our testimony, the positions that we have taken and so I would like to add just a few highlights to that, Mr. Chairman.

As I said, we have submitted a summary of all the positions concerning reauthorization to you and I am going to confine my comments to those provisions in H.R. 6704 on which the advisory committee has discussed and taken a position.

I will then be pleased to answer any questions that any of you may have.

First, I wish to commend you on this excellent piece of legislation. It addresses issues which the advisory committee has discussed during the year and many of our recommendations concur with those proposed on this bill.

Regarding the structural position of OJJDP, we recommended that the office be included as a separate independent arm or "box" under the OJARS structure on the same organizational level as LEAA, the National Institute of Justice, and the Bureau of Justice Statistics, but we certainly support your much bolder recommendation to place OJJDP under the general authority of the Attorney General.

However, I can think of no better way than you, the U.S. Congress, and we, the National Advisory Committee of Juvenile Justice, to prove to the juvenile, to prove to the professionals working in the juvenile justice area, that they too are just as important as LEAA and OJJDP. We strongly support the authorization period and maintain our authorization cycle separate from that of the OJARS legislation. The NAC has also endorsed an authorization level of $200 million for the OJJDP Act in fiscal year 1981 and an authorization level of $25 million for the Runaway Youth Act in fiscal year 1981. I will address another recommendation concerning the Runaway Youth Act later in this testimony.

The NAC agrees with the recommended definition of "State" which would include the territories.

NAC has discussed the preliminary findings of the research conducted by the National Center for Juvenile Justice which states that minority youth are referred to court more often, detained more frequently and incarcerated at a higher rate than their white counterparts. Therefore, we heartily endorse the bill with emphasis on the minority and disadvantaged youth, including females, the mentally retarded and the emotionally or physically handicapped children.

Mr. Chairman, and members of the committee you might be interested to note that at the end of this month the Second National Symposium for the Mentally Retarded Offendable will be held in South Carolina and part of that funding for that symposium has come from the Office of Juvenile Justice. The advisory committee supports strengthening the role of the State advisory groups by changing the language of the provision concerning advising the governor and legislature from "may" to "shall," and I think you will be delighted to know that already some of the State advisory groups took it upon themselves to change that.

The National Advisory Committee has discussed at length recommendations to dilute or weaken the 75-percent deinstitutionalization compliance provision of the act and has taken the position that it supports maintaining the 75-percent compliance level. Although we have not discussed the concept of different compliance levels for detention and correctional facilities as proposed in H.R. 6704, I am sure that I speak for the entire advisory committee in saying that we certainly would support that recommendation.

Concerning the recommendations that are directed at the National Advisory Committee itself, we agree with seeking input on a regular basis from juveniles under the juvenile justice system. Only recently at the 19th meeting of the National Advisory Committee, which just happened to have been held in South Carolina, the National Advisory Committee visited the campuses of four training schools under the jurisdiction of the South Carolina Department of Youth Services. The following day the National Advisory Committee voted unanimously that where feasible in holding a National Advisory Committee meeting they would visit an onsite program at every meeting we had when it was available for us.

I would also like to say, that Mr. Dogin and Mr. Schwartz were also included in that too and thrilled that the national committee had gone out to spend the day there. I will say this too. They did have lunch with children at the institution.

Allowing members to continue to serve not to exceed 90 days until their successors are appointed and requiring that vacancies must be filled within 90 days. Of course, Mr. Chairman, we do support that provision. However, our recommendation to you goes a little bit further than that. We recommend the members serve until such time as their successors are appointed. The history of the National Advisory Committee for Juvenile Justice has shown that we have gone as long as 6 months with seven vacancies.

Mr. ANDREWS. I would agree with that.

Ms. SYLVESTER. Deleting the statutory requirement for specific subcommittees of the NAC, of course we support that as well as authorizing a specific appropriation for the activities of the National Advisory Committee each year. We agree with providing that staff will be appointed by the Chair with the approval of the Advisory Committee.

We agree with submitting annual and interim reports to the President and the Congress.

And we are in agreement, Mr. Chairman and members of the committee, on reducing the age defining a youth member from 26 to 24. Most of our youth members fit the age of 26 within 6 to 8 months after they come on the committee.

However we do not agree with the recommendation to reduce the numbers of members on the NAC from 21 to 15 and the number of youth members from 7 to 3.

H.R. 6704 still proposes four basic functions for the NAC and since most of our work is done in subcommittees we will probably continue to need subcommittees to effectively meet those mandates. In my opinion, 15 members, including the Chair, will not provide adequate membership for subcommittee work. I believe your staff director has observed our subcommittees at work, Mr. Chairman and I think he too will say that they do work.

We also oppose making the term of membership on the NAC 3 years rather than 4. Since we meet only quarterly it takes some time for new members to learn the workings of the committee, become familiar with the complicated Federal bureaucracy, and thereby reach their full potential. We realize the fact that members of the Federal Coordinating Council are ex-officio members of the National Advisory Committee, that they have not met much in the past but we have made tremendous progress in the past 6 months in improving the communication and coordination between the two bodies. A good example of this progress is that the National Advisory Committee for Juvenile Justice and the Federal Coordinating Council will be holding a joint meeting in June here in the Washington area. Therefore we recommend that the Coordinating Council members ex-officio status on the NAC be maintained.

While as I mentioned earlier, this is an excellent bill, given the complexities of the issue, there are bound to be differences of opinion, and there are. The NAC opposes deleting the reporting requirement of 223(a)(14) for those States in compliance and which have legislation that can be enforced. We believe that monitoring reports have demonstrated that legislation is often ignored and that all States should be required to report the results of their monitoring to OJJDP.

We also oppose the transfer of the National Institute of Juvenile Justice and Delinquency Prevention to the National Institute of Justice. One of the strengths of the Office and in our opinion a unique aspect of OJJDP compared to many other Federal programs is that programs are based on documented facts of juveniles and the results of these programs are evaluated to determine what has and what has not been effective.

Additionally, our subcommittee has been working very diligently with the National Institute in attempting to improve and expand the mandated training and clearinghouse function of NIJJDP. From our perspective, Mr. Chairman and members of the committee, as a citizen trying to improve the juvenile justice system in my own State of South Carolina as well as throughout this Nation, information and training are two of our greatest needs at the State and local level. We are concerned that the clearinghouse and training functions will be lost in the reorganizational shuffle and that coordinating between programing and research and evaluation will be destroyed.

Very seldom can you point to any organization that includes adults and children where children have the top priority. Not having had the opportunity to review your recommendations, your recommended definition on secure detention and correctional facilities but in an attempt to clarify this important and controversial portion of the act, we have endorsed the administration's proposed definition which is that the term "means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or nonoffenders or any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or convicted adult offenders."

Regarding the additional members which are recommended for the Coordinating Council, the NAC has also considered methods for improving the coordination of Federal efforts and strengthening the role of the Federal Coordinating Council. We recommend, however, that the Council remain primarily a Cabinet level body under the chairmanship of the Attorney General with only three additional members; namely, the Director of the Office of Management and Budget, a member of the President's Domestic Council, and a representative of the National Advisory Committee.

Although we are aware of Secretary Pat Harris' commitment to the Runaway Youth Act, we are concerned that the integrity of the Runaway Youth Act may be undermined by attempts to merge it with the title IVB or title XX of the Social Security Act within the Department of Health, Education, and Welfare. We have recommended that the authority for administering the Runaway Youth Act be transferred to the Office of Juvenile Justice and Delinquency Prevention.

Mr. Chairman, I would like to submit our entire file on the Runaway Youth Act after this testimony.

The NAC opposes the recommendation to include any emphasis on the serious offender because the current LEAA legislation permits the use of its funds for such purpose, and because the Juvenile Justice and Delinquency Prevention Act has and continues to make important strides toward removing from the juvenile justice system those youngsters who do not need its authority to rehabilitate themselves. We believe the act should continue to focus on these young people.

Finally, H.R. 6704 proposes that reverted funds be reallocated for subsidy programs to complying States. While the National Advisory Committee has not recommended a modification of section 223(d), we have recommended to Mr. Ira Schwartz that the Office devise ways to utilize reverted funds from noncompliant States in a manner which will support responsible efforts to accomplish compliance. We have urged that the Office support advocacy efforts in noncompliant States which will lead toward compliance and that the Office provide funding to jurisdictions where there is concrete evidence of their commitment to achieve 100 percent of deinstitutionalization.

Mr. Chairman, I thank you very much for allowing the National Advisory Committee to be here today. I will be delighted to entertain any questions.

Mr. ANDREWS. Thank you, Barbara.

I note one of our distinguished members, Mr. Kildee, has joined us. I wonder if you have questions?

Mr. KILDEE. Not at this time, Mr. Chairman.

Ms. SYLVESTER. Maybe he could not understand.

Mr. KILDEE. I have people from your area of the country in my district—good solid citizens too. [Laughter.]

Ms. SYLVESTER. Thank you.

Mr. ANDREWS. Mr. Coleman?

Mr. COLEMAN. Thank you.

I was wondering if you could comment on the experience of the Advisory Committee with the younger members serving on it. Have you found them to be active, interested committee members?

Ms. SYLVESTER. Thank you, Mr. Coleman, for asking that question. It is very funny that you ask it. I wanted to plant it for somebody. I want the audience to know I did not get to you ahead of time to get you to ask it.

Our youth members are participating. They are very excited. I think one of the greatest things that happened too is that they were a part of that tour of the institution. I think some of the greatest input that the administrative staff of the Department of Youth

Services in South Carolina had came from the youth members after the tour. They are very active in the subcommittees. They are very active with the committee and have no intentions sitting there and not letting you know where they stand.

Mr. COLEMAN. In regard to staff that you have avaliable to you now, do you feel that it is adequate?

Ms. SYLVESTER. I can say that it is adequate if we just go with what our work plan is right now, like it is today. Tomorrow I am sure that work plan is going to change because something else is going to happen and it is going to say we need to address this. So, we would have to call on a consultant to come in. It would be much nicer to have more staff. Let me say this too in behalf of the staff we have now. We are very delighted with them.

Mr. COLEMAN. Let me ask you where those staff come from? Are they full-time employees of the agency?

Ms. SYLVESTER. This is done by a RFP. I might say that the Office allowed three members of the National Advisory Committee to help develop the RFP.

Mr. COLEMAN. RFP?

Ms. SYLVESTER. Request for proposal. That has to go out on all Federal advisory committees except those who are deleted and they receive a direct appropriation. They have within their Advisory Committee a subcommittee called Personnel Committee and they do their own hiring, where the RFP is released by the Office and bids come in and then staff reviews those responses to the RFP and then there is a briefing and a discussion with several of them. We have nothing to do with who makes the decision or who the staff will be.

Mr. COLEMAN. As I understand it, these people are what we would consider outside consultants?

Ms. SYLVESTER. They are established businesses.

Mr. COLEMAN. They are not employees of the Federal Government? They are consultants?

Ms. SYLVESTER. They would be because of their funds coming from the Federal Government when they are awarded a contract of this type.

Mr. COLEMAN. They are independent contractors?

Ms. SYLVESTER. Yes, sir, they are independent contractors who bid on it.

Mr. COLEMAN. They are not the staff who are there in the office every day? They are assigned to you?

Ms. SYLVESTER. Yes; they are in this office. We have so many staff people that are assigned to the contract of the National Advisory Committee.

Mr. COLEMAN. You have a little bit of both? You have some employees that are independently contracted—people who are outside the framework of the Federal Government whom you contract with—also in-house staff?

Ms. SYLVESTER. Let me see if I can explain this. They are awarded a contract for which all of the money comes from the Federal Government. When they present their proposal they state how much money they think they would need to perform the services that have been written in the RFP. So, what we have is a secretary and three people, three other people, and a part-time director who does not give 100 percent of his time to the NAC staff. Those other persons, because of the amount of work which has been involved, have worked full time for the NAC. Did I clear it any at all?

Mr. COLEMAN. Frankly, you have not. As I understznd, and I haven't talked to Mr. Schwartz, it is my understanding that it was all done on a consulting contractor basis. If that is true, then my last question is, has that support been adequate for you? Your answer to that was that it has been so far. My next question is going to be, what if this arrangement were to be changed so that you didn't have outside independent contractors but your staff support was from in-house, from the agency, from personnel already on board, already Federal employees, who already have other functions that might be assigned to the Advisory Committee?

Ms. SYLVESTER. If I may ask you a question?

Mr. COLEMAN. Do you understand my question?

Ms. SYLVESTER. I do, but I have to ask a question before I can respond. When you say in-house are you talking about the OJJDP Office?

Mr. COLEMAN. Yes.

Ms. SYLVESTER. I don't think the NAC would relish going back to that because we lived through that one time. I don't think that the NAC would be very happy with that. Now if we receive a direct appropriation and the Chair with the consent of the Advisory Committee employed their staff and anything went wrong, then that is the responsibility and fault of the National Advisory Committee. I think at this date and time when the National Advisory Committee seems to be doing and accomplishing and truly addressing the mandate that they have in the act, if we were thrown back into having Office designated staff, and this is not a personality thing now—Mr. Schwartz has been so great to us in feeding information to us—I think this would destroy the concept too of citizen participation.

The majority of the members of the NAC are bringing new information as private citizens, or volunteers. I don't think it would be advisable to go to the Office assigned staff. Could I explain something else to you?

Mr. COLEMAN. Yes.

Ms. SYLVESTER. One of the reasons that we think that the National Advisory Committee thinks that OJJDP is due some criticism in not disseminating information is that it has been very, very difficult to run an office of that size with a handful of people. They have had slots open over there for months and months. Just recently last month at the NAC meeting we asked Mr. Dogin if there was any way we could bypass the bureaucracy of people coming on board with the Federal Government to fill those slots. We literally have been operating with a handful of people. That is not top priority with the Office. It should not be top priority. They have other things to do. They should not have to have the responsibility of running the National Advisory Committee.

Mr. COLEMAN. I might say that as a concerned citizen you might be concerned about their administrative problems but that is not really your job either.

Ms. SYLVESTER. Yes, sir, it is, it is the National Advisory Committee's job.

Mr. **Coleman**. To advise the Administrator as to personnel requirements of the agency?

Ms. **Sylvester**. To be able to fulfill the mandate of the act for that is to be able to fulfill the mandates that are put upon them and for the National Advisory Committee to be able to fulfill the mandates that are put upon them. There is a subcommittee to advise the Administrator. Most certainly if you talk to people back in what we call grassroots in politics—we also refer to grassroots in the juvenile justice system—those members are wanting to know why can't I get the information out of OJJDP. We say they are limited with so many staff. I think with its being a Federal organization, and you hear someone like Mr. Dogin has recommended 50 positions to be filled immediately, that that in itself points out the urgency of more staff in the Office of Juvenile Justice.

Mr. **Coleman**. As far as your own staff of the Advisory Committee, do you have any idea what the contract that has been let costs a year?

Ms. **Sylvester**. Our staff does a cost-out of what each contract cost us. We get that. I can tell you what our estimate is. The entire contract was $350,000; $100,000 of that is personnel.

Mr. **Coleman**. I am sorry. What was the first figure?

Ms. **Sylvester**. The entire contract, the total figure was $350,000.

Mr. **Coleman**. That was my understanding.

Ms. **Sylvester**. $100,000 was personnel.

Mr. **Coleman**. Thank you. I am not sure we have communicated. I am not sure it is the North-South dialog that is the problem but the thrust of my questions have to do with in-house versus outside consultant contracting, which can be and has been abused in the Federal Government, the needs of your Advisory Committee, and apparently your concern over the in-house staffing itself, of the agency as well as your own support personnel. So we are talking about two or three different things. I will tell you that I am concerned about contracting out in many cases where it has been abused.

I just want to make sure that the committee understands that we are trying to tighten up on expenditures. If it is $300,000 or $100,000, so be it, that is how much could be saved one way or another. I just would like to express those views and that that was the line of questioning I was asking you and the reasons for it. I understand that it is technical when we are talking about these matters. Perhaps that is why we were not understanding each other. I think we will have more discussion about this in the future.

It is my understanding that there are different views from what you are expressing as far as where the Advisory Committee should come from and report to. I believe that is something that is going to be written into law under this piece of legislation. So I think it is important that we finally end up being able to understand each other as we draft the legislation because your support staff may come from a different source than what it presently is. You indicated that you did not want to go back to the approach some people—Mr. Schwartz, for example—want to go back to.

Ms. **Sylvester**. I think it is very important that a committee that has a mandate like this committe does, an office that has a mandate like OJJDP, they are independent but yet they are not independent because we work so very closely together. We are charged with advising the Office, the Congress and the President of the United States on juvenile justice issues. I think if we started using staff members from OJJDP, we might run into a conflict of interest because in the National Advisory Committee for Juvenile Justice every single person has his or her own thoughts and we can have some very heated discussions. The staff at OJJDP we call on to furnish us with information that they have received. If they are having to spend like they did when the Committee was first appointed and they have to take a staff member off what they have right now, which is so little, and much too small to fulfill the mandate set upon them, and assign one or two of those staff people that they now have to run the National Advisory Committee, there will be continuous complaints about OJJDP not doing what they are supposed to be doing.

Now the thing that has upset us is developing a RFP and having to wait until the contract runs out with whatever staffing we may have and then you are down to the hour that Cinderella turns back into the little cellar girl and the carriage turns back into the pumpkin. You don't know whether you are coming or going. As of today we have lost seven members. Today was their last day. We have no earthly idea when, from the other end of Pennsylvania Avenue, those appointments are going to come. It took months and months for the chairman, Congressman Andrews, and his staff to try to get the last of them but we still waited months and months.

If we tied up OJJDP staff, they too took the responsibilities of being on the phone and asking about it when they could have been making a much more constructive and usable product by performing their duty in the Office instead of doing services for the NAC.

Mr. **Coleman**. Thank you Mr. Chairman.

Mr. **Andrews**. Barbara, we certainly do thank you. We look forward to working with you. I understand the reason that we don't have the proposal. In a lot of matters, we do have authority spread around very thinly—the Congress, the President, your Advisory Council, and Mr. Schwartz's Office. It is confusing and frustrating to us as well as to you.

It is difficult for us to accept that we should not reduce the number of members of the Committee, while we should increase OJJDP staff and Mr. Schwartz's staff and contract staff outside of the Office to make studies and reports. We don't want to see too much of the total money go to that type of activity at the expense of money going to the States and local governments that perform the programs and reach kids. How to straighten this out is tremendously important to all of us. We hope to accomplish that.

Ms. **Sylvester**. I thank you very much, Mr. Chairman and members of the committee, for letting me speak.

Mr. **Andrews**. Thank you very kindly.

Next I have the honor of inviting to testify before us a long time personal friend and family friend, Mr. Burley Mitchell, Jr., of Raleigh, N.C. Mr. Mitchell is Secretary of the Department of Crime Control and Public Safety from my native State of North Carolina, and was appointed by my good friend, Governor Hunt. I might add that he represents Governor Hunt today.

Burley, like some of the other witnesses, is relatively new in this specific office that he holds but his background, among other things, is that he is from the County of Wake and I am sure he is very, very familiar with the basic responsibilities of his new office.

Burley, we are pleased to welcome you here. We look forward to your testimony. We will ask you to introduce Gordon Smith who is with you.

We also will have on this panel—this panel being a two-person panel—the mayor of the city of New Orleans, Hon. Ernest N. Morial, who is in Washington for the purpose of testifying. He is being detained in another meeting but, as I understand, he will be here before the noon hour.

[Prepared testimony of Burley Mitchell follows:]

PREPARED TESTIMONY OF BURLEY B. MITCHELL, JR., SECRETARY, DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, STATE OF NORTH CAROLINA ON BEHALF OF GOVERNOR JAMES B. HUNT, JR., AND THE NATIONAL GOVERNORS' ASSOCIATION

Mr. Chairman and members of the committee, I appear before you today on behalf of Governor James B. Hunt, Jr., of North Carolina who is chairman of the National Governors' Association's Committee on Criminal Justice and Public Protection. The points I make today are the views of the Governor and the National Governors' Association on the issue of reauthorizing the Juvenile Justice and Delinquency Prevention Act.

First, Mr. Chairman, Governor Hunt and the rest of the Nation's Governors believe emphatically that the Juvenile Justice and Delinquency Prevention Act of 1974 should be reauthorized. We commend Congress for enacting the legislation that provided resources for developing programs in the control and treatment of juvenile delinquency, and programs that help our youth in general crisis situations. The mandate of deinstitutionalization has brought about healthy innovations in our treatment not only of status offenders, but of all youth in trouble. This process helped our effort to develop more substantive programs for youth in nonsecure community based facilities, for example, we worked with private nonprofit groups and local governments in planning juvenile facilities which met the letter and spirit of the legislation.

Our youth are the Nation's greatest asset for the future; we must cultivate and develop them so they grow to become productive citizens—respecting those values that have made this Nation strong and great. To this end, the Governors believe that programs designed to develop youth and prevent delinquency must emphasize strengthening family relationships, building better and more productive schools, and establishing better and more coordinated community services. All of these institutions must work together to help our youth develop to their full potential.

We want to commend you and the committee, Mr. Chairman, for several amendments in the proposed legislation (H.R. 6704) which we vigorously support. First is the alternative to the monitoring report which would reduce red tape in operating programs. Second is providing States flexibility in meeting the deinstitutionalization standard which may encourage more States to participate in the program. Third is transferring the function of the National Institute for Juvenile Justice and Delinquency Prevention to the National Institute of Justice. Finally, we especially commend you for providing State and local governments the flexibility to develop programs to deal with the serious juvenile offender, particularly the emotionally disturbed juvenile offender. This has been a rather neglected section of juvenile programs.

The National Governors' Association urges Congress to consider the following proposals as it reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974:

1. The act should maintain the Office of Juvenile Justice and Delinquency Prevention within the law enforcement assistance administration. The director of OJJDP should report to the administrator of LEAA.

Coordination between the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration is of utmost importance in developing a strategy for dealing with the problem of juvenile crime and delinquency at the Federal and State levels. We recognize the need for a special office to plan for juvenile services, and have given our full support to that office as it was established by the Juvenile Justice and Delinquency Prevention Act of 1974.

We, therefore, have great difficulty with the proposal to place the Office of Juvenile Justice under the general authority of the Attorney General, which would create another separate agency within the Department of Justice. The creation of a separate office may appeal to some short term interests of juvenile justice proponents. However, the Governors and I believe most all governmental officials, both elected and appointed, have consistently called for program and functional consolidation in order to improve program administration and service delivery. The President himself has proposed several Federal reorganization plans that emphasize agency consolidation and coordination. For example, the Federal Emergency Management Agency brought together some 11 agencies and functions under one agency in order to better coordinate emergency assistance for State and local governments.

Placing juvenile justice under the general authority of the Attorney General creates another unit in the Department of Justice and further expands that department. OJJDP would become a 12th unit in the Department of Justice. The National Governors' Association believes that OJJDP remaining in LEAA with a strong OJJDP administrator would be more beneficial in the long term to the juvenile justice and delinquency prevention program than placing it as a 12th unit under the Attorney General. The administrator of LEAA should coordinate both juvenile and criminal justice activities with the obvious advantages that would result from such a coordinated approach.

Those of us within the justice system with particular interests in young people have worked long and hard to focus the attention of the entire system on juveniles. Pulling juvenile justice out into a separate agency will weaken this emphasis, fragment our effort, and ultimately, leave young people on the outside once again.

In fact, transferring OJJDP out of LEAA will work to the long-term disadvantage both to juvenile justice and the criminal justice system.

First, it is in the long-term interest for juvenile justice proponents to learn to work within the Federal Justice Assistance Agency serving the justice systems operating in our States. Juvenile justice and criminal justice officials must learn to work together, and, I believe, it is your responsibility to encourage them to do so. Having a separate office will not help improve cooperation and communication.

Second, it is in the long-term interest of juvenile justice proponents to have OJJDP remain within LEAA for it to have the ability to oversee well the LEAA financial assistance directed at juvenile justice, which is approximately 20 percent of all LEAA investments.

Third, if OJJDP is a separate agency from LEAA, with both agencies supporting juvenile justice, I suggest the right hand will not so likely know what the left hand is doing, nor the left hand know what the right hand is doing—all within the single area of juvenile justice.

Fourth, it is in the long-term interest for criminal justice system effectiveness for all parts of the system—juvenile justice, law enforcement, courts, and corrections—to learn to work together with one Federal Justice Assistance Agency. Otherwise, within the next 10 years each of these components will be pressing for separate offices within the U.S. Department of Justice. Rather all components of the justice system must learn to work together, for we will be more effective united in addressing our common goals.

The Federal Government has a fine opportunity to set a positive example for coordination of justice systems. I am concerned that removing OJJDP from LEAA would forsake this opportunity, and it does so to the long-term disadvantage of juvenile justice.

2. There should be parallel authorization periods for the JJDP Act and the JSIA Act. This would help States to assess, manage, and implement all justice programs during a reauthorization cycle.

The Justice System Improvement Act of 1979 reauthorizes the LEAA program, among others, through September 30, 1983. Thus, the Juvenile Justice Act should be reauthorized for the same period of 3 years.

3. The "adequate assistance" provision that applies to courts and corrections should apply to all components of the criminal justice system including juvenile justice.

In lieu of the requirement that 19.15 percent of the Justice System Improvement Act funds be committed to juvenile justice and delinquency prevention programming, legislation should be amended through the Juvenile Justice Act amendments of 1980 to specify "adequate assistance" be given to juvenile justice. Governors are opposed to overcategorizing Federal programs. Governors believe that the needs of all elements of the justice system within a State should be considered in determining allocations. Unnecessary categorization should be eliminated so that the greater needs of each State can be met. Considering the great needs of juvenile justice throughout the country which have been identified because of the JJDP Act, "adequate assistance" may well require an allocation of more than the presently mandated 19.15 percent.

4. The State agency designated by the Governor to develop a State's criminal and juvenile justice plan should coordinate all juvenile justice programs that receive Federal funding. We believe no program funding under the act should go directly to a local unit of government or a private nonprofit agency without the advice and comments of this agency. States are interested in coordinating Federal and State funds to promote a comprehensive criminal and juvenile justice system.

Voluntarily over the past few months, OJJDP has coordinated with the States in this way. The benefits in improved morale and more effective use of funds have been striking.

5. The legislation should direct the Office of Juvenile Justice and Deliquency Prevention to ensure that rules, regulations, definitions, and responsibilities pursuant to the act are reasonable and consider the impact on the States. Furthermore, they should be designed to encourage full participation in the program by all States.

We are very optimistic that the administrator for OJJDP, Mr. Ira Schwartz will work closely with the States, realizing we can be twice as effective when we work closely together. Likewise, we are pleased to know, Mr. Chairman, of your support to encourage full participation in JJDP by all the States.

In addition, we recommend that efforts be made to conform certain administrative provisions of the Juvenile Justice Act with similar administrative provisions of the Justice System Improvement Act. Specifically, we suggest:

That the Juvenile Justice Act should be amended to require that the cost of federally funded projects be assumed after a reasonable period of time;

The civil rights provisions of the Justice System Improvement Act should be fully incorporated in the Juvenile Justice Act; and

Action on State juvenile justice plans by OJJDP should be required within 90 days.

Approximately 2 years ago, Governor Hunt testified before your committee, Mr. Chairman and had this to say:

"In this mass of tangled Federal bureaucracy, the Office of Juvenile Justice and Delinquency Prevention must not forget its first priority is to provide services to children in trouble with the law. It must distribute funds to be spent to help our troubled children as if it were a crisis, for in fact it is. Getting assistance down to the service provider and the young person in the street must be the top priority."

We still believe this, and urge Congress to form a partnership with the Nation's Governors to strengthen the juvenile justice and delinquency prevention program through reauthorizing legislation to ensure effective intergovernmental actions in addressing the problems of juveniles in this country.

Considering the fact that the JJDP program is implemented through each State, the Governors appreciate your serious consideration of our priority recommendations. We look forward to working with you to plan for the implementation of these recommendations.

As a final comment, I wish to say it has been my pleasure to be with you today. I believe that by working together, we can accomplish a great deal, and perhaps, most important, set an example for all justice officials. For our success in addressing the juvenile crime problem depends upon our ability to work together in mutual cooperation.

APPENDIX

POLICY POSITION NATIONAL GOVERNORS' ASSOCIATION

PREVENTION AND CONTROL OF JUVENILE DELINQUENCY

The National Governors' Association believes that greater emphasis should be placed on coordinating and planning services for the prevention, control, and treatment of juvenile delinquency. Each state should strengthen its commitment to this effort by emphasizing programs to build better families, schools, and community services.

The Association commends Congress for enacting the Juvenile Justice and Delinquency Prevention Act (Public Law 93-415) of 1974. The act provided resources for developing programs in juvenile delinquency and treatment.

Because the problems caused by juvenile delinquency continue, the National Governors' Association urges Congress to incorporate the following principles when it works on the reauthorization of the Juvenile Justice and Delinquency Prevention Act:

1. The act should maintain the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration. The director of OJJDP should report to the administrator of LEAA.
2. There should be parallel authorization periods with the Law Enforcement Assistance Act. This would help states to assess, manage, and implement all criminal justice programs during a reauthorization cycle.
3. The "adequate assistance" provision that applies to courts and corrections should apply to all components of the criminal justice system including juvenile justice.
4. The state agency designated by the Governor to develop a state's criminal and juvenile justice plan should coordinate all juvenile justice programs. No program should be funded directly under the act without the advice and comments of this agency.
5. Discretionary grants should provide an equitable share of funds to rural and urban states for the development of juvenile justice programs.
6. The legislation should direct the Office of Juvenile Justice and Delinquency Prevention to ensure that rules, regulations, definitions, and responsibilities pursuant to the act are reasonable and consider the impact on the states. Furthermore, they should be designed to encourage full participation in the program by all states.

Adopted July 1979.

STATEMENT OF BURLEY B. MITCHELL, JR., SECRETARY, DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY, ACCOMPANIED BY GORDON SMITH, FORMER SECRETARY AND DIRECTOR OF THE GOVERNOR'S CRIME COMMISSION DIVISION, STATE OF NORTH CAROLINA

Mr. MITCHELL. Thank you, Mr. Chairman.

This is Gordon Smith who is the director of our Governor's Crime Commission Division in North Carolina which is the State criminal justice planning agency for our State as well as conduit for LEAA funding in North Carolina.

The morning is wearing on very quickly and I am sure you folks are going to want to break fairly soon. So, I will try to abbreviate my remarks as much as possible, Mr. Chairman. I know that the full remarks will be entered in in your record.

I appear before you today on behalf of Governor James B. Hunt, Jr., of North Carolina who is chairman of the National Governors' Association's Committee on Criminal Justice and Public Protection. The points I make today are the views of the Governor and the National Governors' Association on the issue of reauthorizing the Juvenile Justice and Delinquency Prevention Act.

First: Mr. Chairman, Governor Hunt and the rest of the Nation's Governors believe emphatically that the Juvenile Justice and Delinquency Prevention Act of 1974 should be reauthorized. We commend Congress for enacting the legislation that provided resources for developing programs in the control and treatment of Juvenile delinquency, and programs that help our youth in general crisis situations.

The mandate of deinstitutionalization has brought about healthy innovations in our treatment not only of status offenders, but of all youth in trouble. This process helped our effort to develop more substatnive programs for youth in nonsecure community based facilities, for example, we worked with private nonprofit groups and local governments in planning juvenile facilities which met the letter and spirit of the legislation.

Our youth are the Nation's greatest asset for the future; we must cultivate and develop them so they grow to become productive citizens—respecting those values that have made this Nation strong and great. To this end, the Governors believe that programs designed to develop youth and prevent delinquency must emphasize strengthening family relationships, building better and more productive schools, and establishing better and more coordinated community services. All of these institutions must work together to help our youth develop to their full potential.

We want to commend you and the committee, Mr. Chairman, for several amendments in the proposed legislation—H.R. 6704—which we vigorously support. First is the alternative to the monitoring report which would reduce redtape in operating programs. Second is providing states flexibility in meeting the deinstitutionalization standard which may encourage more States to participate in the program.

Third is transferring the function of the National Insittute for Juvenile Justice and Delinquency Prevention to the National Institute of Justice. Finally, we especially commend you for providing State and local governments the flexibility to develop programs to deal with the serious juvenile offender, particularly the emotionally disturbed juvenile offender. This has been a rather neglected section of juvenile programs.

The National Governors' Association urges Congress to consider the following proposals as it reauthorizes the Juvenile Justice and Delinquency Prevention Act of 1974:

First: The act should maintain in our view and in the view of the association the Office of Juvenile Justice and Delinquency Prevention within the Law Enforcement Assistance Administration. The director of OJJDP should report to the Administrator of LEAA.

Coordination between the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration is of utmost importance in developing a strategy for dealing with the problem of juvenile crime and delinquency at the Federal and State level. We recognize the need for a special office to plan for juvenile services, and have given our full support to that office as it was established by the Juvenile Justice and Delinquency Prevention Act of 1974.

We therefore have great difficulty with the proposal to place the Office of Juvenile Justice under the general authority of the Attorney General, which would create another separate agency within the Department of Justice. The creation of a separate office may appeal to some short term interests of juvenile justice proponents. However, the Governors and I believe most all governmental officials, both elected and appointed, have consistently called for program and functional consolidation in order to improve program administration and service delivery.

The President himself has proposed several Federal reorganization plans that emphasize agency consolidation and coordination. For example, the Federal Emergency Management Agency brought together some 11 agencies and functions under 1 agency in order to better coordinate emergency assistance for State and local governments.

Placing juvenile justice under the general authority of the Attorney General creates another unit in the Department of Justice and further expands that department. OJJDP would become a 12th unit in the Department of Justice. The National Governors' Association believes that OJJDP remaining in LEAA with a strong OJJDP administrator would be more beneficial in the long term to the Juvenile Justice and Delinquency Prevention program than placing it as a 12th unit under the Attorney General. We would point out several reasons for the view that OJJDP should remain in LEAA. First is it in the long-trem interest we feel of the Juvenile Justice program that all of the agencies be coordinated. Juvenile justice and criminal justice officials must learn to work together. In our State and I suspect in all the other States there is some difficulty, dissimilarity of interest among the traditional criminal justice officials and juvenile justice officials and they do tend not necessarily to be in conflict but go their separate ways.

Second: It is in the long-term interest for juvenile justice proponents to have OJJDP remain within LEAA for it to have the ability to oversee well the LEAA financial assistance directed at juvenile justice, which is approximately 20 percent of all LEAA investments.

Third: If OJJDP is a separate agency from LEAA, with both agencies supporting juvenile justice, I suggest the right hand will not so likely know what the left hand is doing—all within the single area of juvenile justice.

Fourth: It is in the long-term interest for criminal justice system effectiveness for all parts of the system—juvenile justice, law enforcement, courts, and corrections—to learn to work together with one Federal justice assistance agency, otherwise, within the next 10 years each of these components will be pressing for separate offices within the U.S. Department of Justice. Rather all components of the justice system must learn to work together, for we will be more effective united in addressing our common goals.

Let me tell you a fifth reason which we don't have in the paper which I would argue as one somewhat familiar with trial lawyers and prosecutors of the sort that run the Department of Justice. If a juvenile program such as the Office of Juvenile Justice is placed under the Department of Justice it is my view, and I know it is our Governor's view and I believe that of the other Governors, that the program will be largely unsupervised. In other words, it will become autonomous. In every area of the country that I have ever been and seen prosecutors or prosecutorial types there is not a lack of interest with juvenile programs but a priority of interest that places other things ahead of juvenile programs.

I would predict for you that if this juvenile program is placed within the Department of Justice it will be shoved on the back burner every time a large criminal investigation comes up, every time white collar crime is looked into, governmental corruption, any of the other things that Attorney General Civiletti is emphasizing. It has been that way with previous Attorney Generals. It will be that way with any prosecutorial type.

Trial lawyers and particularly trial lawyers who are prosecutors do not like to participate in juvenile justice cases.

One of the things that I noted about elected prosecutors such as I was is that the first thing they get upon being elected prosecutor the district attorneys will assign all the juvenile cases to their assistants. It is one of the luxuries they can afford, not because of any lack of concern or sensitivity to those cases. I think exactly the opposite is true, that the cases were so heart-rending and so frustrating that the prosecutors did not want to go through the emotional distress that a lot of cases cause all of us.

I predict for you that the same thing will happen if this at the Federal level is placed as a separate division within the Department of Justice. It will simply wind up being an autonomous body.

There are a few other things that we would like to suggest to you, again being considerate of your time. We support an adequate assistance provision which would apply to juvenile programs as well as to courts, corrections and the other aspects of LEAA, an adequate assistance provision as opposed to a strict percentage, 19 or 20 or whatever percent being mandated on juvenile programs.

In our State of North Carolina as an example we are now required to put some 19 percent of the LEAA funding into juvenile programs. We do not think that we should be hidebound to do that, not because we are opposed to putting 20 percent or better in juvenile programs but we don't think the flexibility should be taken away from us. Prior to this requirement in our State we had about 26 percent of our LEAA funding going into juvenile programs.

After a 19-percent quota was set, we dropped back to that amount. In other words, it tends to become a mandatory formula rather than a minimum. The minimum winds up being the norm.

It creates some additional problems for us and I think for California also which is a general problem I think this committee should be aware of at all times in considering juvenile justice, and that is we break our juveniles down a little differently than the act. Our juveniles go to age 16. From there to age 21 we have a class that is called a youthful offender. We are not clear that juvenile justice money can be spent on youthful offenders.

We suspect that it cannot. They are the people who probably give us the most problems, the people 16 to 21. Given this percentage formula, we feel that level for them is frustrating. I understand California is in a somewhat similar situation but I can't purport to speak for their difficulties.

We would also encourage that the State agency designated by the Governor of a particular State to develop a State's criminal justice plan should coordinate all juvenile justice programs that receive Federal funding. We believe no funding under the act should go directly to a local unit of government or a private nonprofit agency without the advice and comments of the State. We are not saying a veto power but at least the consideration by the State criminal justice and juvenile justice planning group and receipt of the comments of that group.

There are some other things that we would recommend. I would like first to say that we are very optimistic about the administration of OJJDP under Mr. Schwartz. He has shown a willingness to work closely with the States and we think that in so doing we can be twice as effective as if we worked as separate groups.

We are pleased also, Mr. Chairman, to know of your support for full participation in juvenile justice by the States.

Additionally, we recommend a few very specific things which I will touch on, that the Juvenile Justice Act be amended to require the cost of federally funded projects be assumed after a reasonable period of time, specifically requiring that. That the civil rights provisions of the Justice System Improvement Act should be fully incorporated in the Juvenile Justice Act. And that action on State juvenile justice plans by OJJDP should be required within 90 days.

The remainder of my comments I am not going to burden you with. As a final comment I would like to say it has been a pleasure to be here with you today. I appreciate the opportunity to be heard and for the Governors' views to be represented to you. We, of course, stand ready at any time to forward any information to you which you feel we have and that can be of help. We look forward to working with you and want to work with you in a close cooperative partnership and with the local governments in attempting to make the lot of this new generation of North Carolinians better.

Mr. ANDREWS. Thank you very much, Burley. Certainly we share that. I believe we all might profit a little bit if you and Gordon on the one hand and perhaps Gordon Raley on the other discuss a little bit about what the three of you understand to be the proposal in this bill and the alternatives that are available in terms of this question which I have been hearing for more than a year now. As you know, some propose that OJJDP be placed in HEW, or whatever is left of HEW after the "E" leaves. Some want it to remain a part of Justice. I hear the same arguments being made for the benefits to the juvenile program by putting them in each place.

Some say, as you do, that it tends to be lost if it is placed as a separate entity under the Attorney General. Gordon Raley seems to think it sometimes gets lost where it is and it would be more effective as a fourth box. I would like to debate that, if you will.

Go to it, Gordon.

Mr. RALEY. Mr. Mitchell, if I might clarify a few things in our bill and maybe get your reaction to make sure there is a mutual understanding——

Mr. MITCHELL. There might not be.

Mr. RALEY. One is that H.R. 6704 would not make an autonomous "box" floating off by itself in the Justice Department. It would be under the general authority of the Attorney General in the same sense that the LEAA, the National Institute of Justice, and the Bureau of Justice Statistics are. In fact, we do have, in H.R. 6704, a reference to the Justice System Improvement Act to tie related sections together. In other words it would be coordinated by the new coordinator of the Office of Justice Assistance, Research, and Statistics (OJARS).

When we say "under the general authority of the Attorney General," we do not mean that the Attorney General becomes Director of the Office of Juvenile Justice and Deliquency Prevention. It would still be Ira Schwartz, Administrator, who would answer to the Attorney General, and he would be coordinated by the Director of OJARS in the same sense that LEAA, NIJ, and the Bureau of Justice Statistics are coordinated.

Your point about coordination is very well taken. The Justice System Improvement Act of last year, the Crime Control Act Amendments, did provide for that coordination among those other three boxes. So, people who—I would not claim to be in that position—but people who would argue that there should be a "fourth box" or "fourth arm" would say your argument about it not being coordinated would be null and void because that is the full purpose and intent of having a coordinator of OJARS there—to make sure that coordination takes place.

With all due respect, Mr. Chairman, that is my side of the debate.

Mr. MITCHELL. I understand on file in the Federal Register and elsewhere there will be a drawing that shows a line coming from the Justice Department to that agency. I think that is the extent that you will wind up with as far as coordination.

I say that based again on what I anticipate will be the reaction of anyone who is chosen Attorney General to what he or she see as essentially social programs. Their hands are completely filled with the more traditional criminal justice problems as well as all the civil suits that the Federal Government has to face. It would surprise me if you ever wind up with an Attorney General who has much time to devote to the issue. I can't see that the OJARS coordination would be any better than LEAA and probably not as good, because LEAA spends a considerable amount of money on juvenile justice issues directly in our State and in all of the States.

It would be nice if OJJDP and the 50-State agencies that are spending Federal money for juveniles had some idea of what each of the others was doing and in some way try to make them all fit into a common scheme or patchwork. I doubt that that is going to happen. It may not happen anyway.

Mr. RALEY. If I may clarify a point, the bill, H.R. 6704, would not expand the current bureaucracy. We are not talking about increased positions or slots but really changing the organization chart in a way so that various Federal people relate to each other more effectively. Also, we should emphasize, particularly to the Governors—please take this back to the Association for us—that the State planning agencies, Gordon Smith's agency, within your department and those parallel departments within other State governments will still be the State agency planning group. We want to maintain the current consistency at the State level. At the State level, the Governor's person, whom he designates, would still be doing planning for both LEAA and OJJDP money. That would not change.

Mr. MITCHELL. If there is also at the same time a great deal of money being spent on direct grants from Washington, on discretionary projects just as there are in our State right now which are directly contrary to the wishes of the State planning agency——

Mr. RALEY. I don't mean to argue about the discretionary money. Your point is well taken.

Mr. MITCHELL. It is all planning. It is incorrect I think to say that they still will still be doing the planning if half of the money is being spent directly from Washington without any consultation.

Mr. RALEY. What we are talking about when we say formula money, and Gordon, that is the money that I understand you are speaking of—the $100 million which we call OJJDP money—two-thirds of that is formula funds which goes down to the States. The maintenance-of-effort money, which is LEAA money, is also formula money. That involves planning. When you speak of discretionary funds, you speak of special emphasis funds, within OJJDP, which currently do not go through the State planning agencies.

Your point of wanting more coordination around discretionary funds is well taken. I don't believe, however, that that is pertinent to a discussion of whether there should be a fourth box.

Gordon, you may want to clarify that.

Mr. SMITH. I think the main point on the fourth box is that over the past 10 years I have seen a tremendous development of juvenile justice officials, law enforcement officials, court officials, correction officials coming together and learning to work together at the State level on mutual goals. I see, in a fourth box, the beginning at the Federal level of the juvenile justice officials wanting to separate out from the criminal justice Federal funding agency and be separate.

I would suggest to you if you want to start that kind of approach to working together that it won't be too many years before the court officials will be before Congress suggesting that this should be a judicial separate agency from LEAA. Then I would suggest it won't be long before law enforcement officials will say "Hell, it is called LEAA but there is no money there." Then you will see corrections officials wanting to have another agency.

Each of these agencies in fact is an additional agency within the Department of Justice. I see the beginning at the Federal level of separation within the criminal justice system. That is the direction you are leading when in fact the purpose of Congress by OJJDP and LEAA is to try to get at the State level with State and county officials and nonprofit organizations all working together. I see this moving in the other direction.

I think in fact it will be to the long term disadvantage of juvenile justice proponents, which I feel I am, to see it separated when in North Carolina where I can speak with certainty the law enforcement, court, and corrections officials I think are developing a good sensitivity to the need of juvenile justice. It is in the long-term interest of juvenile justice proponents to try to encourage that. I don't suggest that every State can be moving that quickly.

I think we have a unique situation in North Carolina. I think it is better to try to work to make the system work with everyone working together than to be separating and that is what I think the fourth box would do.

Mr. RALEY. Congressman, if I might, let me emphasize that the inclusion, in H.R. 6704, of the "fourth-box" proposal is really there basically because a large number of people have joined the debate and been proponents for that position. It is not simply a staff position. It might be more suitable to ask other witnesses of their position as we proceed.

Mr. MITCHELL. On that I agree. The point on that is that when the bills come before you to set up the 13th agency for the courts and 14th for corrections and 15th for law enforcement there will also be a roomful of folks who wish to speak on behalf of raising the dignity of those groups.

Mr. ANDREWS. You know, Barbara, I was just thinking, that you say the NAC can't operate with 15 members and $350,000 for consultation fees. While that may be true, it occurs to me that our subcommittee has only seven members and considerably less money. Yet, we somehow have to arrive at some final decision as to these questions.

Gordon, let me ask this. Do you know, at least in a general way, how your counterparts in the other States feel about this question? Have you attended national meetings? Has there been any consensus arrived at?

Mr. SMITH. Yes, sir. That is why I am very optimistic. I believe my counterparts realize now. and I don't think there was a realization to begin with, when OJJDP was started, the tremendous opportunity for everyone to work together. I also suggest that the reason the support was not there to begin with was not because my counterparts are not OJJDP proponents, because I believe we are. I think it was because of frustration with the initiation of a new program, as all new programs have, where at that time you need to have a 100-percent deinstitutionalization.

As you know the law has been changed and made more reasonable. With that I think that my counterparts have realized the tremendous opportunity we have working together. What I fear by a fourth box is a move in the opposite direction. The answer is yes, our organization has a subcommittee on juvenile justice now working. We are working closely with the chairmen of the SAGS in each State. I see a real opportunity where we can be mutually supportive of each other working together to meet our goals within each State.

Mr. ANDREWS. I had the opportunity of appearing quite briefly before the National Governors' Association committee which is chaired by Governor Hunt, the Committee on Criminal Justice and Public Protection. I believe there were about four Governors present. From their statements, it was obvious that the committee would agree with your position, but I don't know if they arrived at that position by polling any substantial number of the 50 Governors or any substantial numbers of department heads such as Burley.

Can you quote any figures or estimates as to percentages of people who are supportive of your position who represent, either as Governors or otherwise, the respective States?

Mr. SMITH. I don't know of any counterpart that is opposed to the Juvenile Justice Act. I think it would be foolish, to begin with. I am absolutely positive that there is a growing realization that there is a tremendous opportunity to work together. What we hope is that the juvenile justice leadership will want to work with the criminal justice leadership so that, if we work together, we can be twice or three times more effective in what we are trying to do.

Mr. ANDREWS. Might I paraphrase what you two are saying by saying the fourth box is equivalent to being boxed out?

Mr. MITCHELL. As far as other Governors and other stands, Congressman Andrews, we do know that those who are on the committee favor the position that we have espoused here today. Other than that I do not know that any poll has been taken. There may have been one.

Mr. SMITH. The five recommendations were voted on by the entire body of the National Governors Association at their Louisville meeting approximately 8 months ago.

Mr. ANDREWS. That answers the question then. The position has been adopted by the entire Association by formal vote.

As a matter of pure practicality, am I correct in understanding that the Senate pretty much supported the so-called fourth box?

Mr. RALEY. They have not introduced their bill yet. I understand that may not be the case now. The latest I have heard from staff on Senator Bayh's committee, which has jurisdiction on the Senate side, is that they are considering not removing it from LEAA but giving the Administrator of OJJDP all authority to administer the act, leaving OJJDP within LEAA. That represents a recent change in their position. To my knowledge, they may introduce their bill today or tomorrow.

Mr. SMITH. There are proponents who think there should be a fourth box. They thought Justice officials would want to work together. Our desire is to work together and not to separate.

Mr. ANDREWS. I am somewhat disposed toward that also. There are witnesses today who, I believe, take the other position. If you have time to stay around, we may call you back and have a little rebuttal after they testify.

Mr. MITCHELL. We are always avaliable to you, Mr. Andrews.

Mr. ANDREWS. I am much impressed with your testimony. I too, was a prosecuting attorney. I didn't have any assistants at that time to whom I could refer these juvenile cases. In many instances, it was worse than that. They never got any attention or the prosecutors tried to kick them back to the court. I know what you are speaking of. There is that tendency. I know Abscam, et cetera, et cetera, is occupying the Attorney General and the Justice Department presently.

I can well imagine at that level inadvertently, not intentionally but because of other pressures, money and so forth, publicity, and daily news conferences, and so forth, I can well imagine that these matters quite possibly would get very little if any real attention at that level. That bothers me as it does you.

Mr. COLEMAN. Were you here this morning when the Justice Department put forth a proposal that within 5 years all the States should conform to having separate facilities for juveniles?

Mr. MITCHELL. Yes, sir.

Mr. COLEMAN. What is your response and what would be the financial burden on North Carolina?

Mr. MITCHELL. I am not sure I can give you that. We can give those figures as best they have been worked up in our State.

Mr. COLEMAN. Will there be a financial burden that will have to be borne?

Mr. MITCHELL. Yes.

Mr. COLEMAN. Give us an outline.

Mr. MITCHELL. There will and it will have to be borne, I would guess, at every State level in our State. I have been through similar things and I can imagine the screams that will go up from the sheriffs when they tell them they have to do it immediately. We are in the process of complying in our State. We have not represented ourselves as being in compliance simply because we were a little old fashioned about it and did not want to lie just to get Federal money or whatever, but we are complying. It will be a substantial cost. We would certainly hope that when you put the absolute mandate on us you also send the money to go with it to implement it.

We will look forward to the bill and the check.

Mr. **Coleman**. Does the other gentleman have any comment?

Mr. **Smith**. Only that the State of North Carolina is concerned about the issue that was recommended to the extent that the General Assembly has passed legislation calling for regional juvenile detention facilities throughout the State by July 1, 1983, as a legislative goal which has been set. The concern is cost and that is being worked on. So, we are supportive of this issue but we, like you, are concerned about the cost of it and think it may be best that we try to work it out as we go and not mandate certain things by 5 years but rather make it optional to use the OJJDP funds to encourage that.

If I could insert one other issue that I think will be helpful if you do look at it, and that is the issue that Secretary Mitchell mentioned about youthful offenders that are age 16 through 20, that I think many Congressmen when they vote for OJJDP think they are supporting an effort to deal with youth crime. To give you some figures, there are 3,000 youthful offenders in North Carolina in the prison system, 16 to 20. There are 650 juvenile delinquents in the training schools. I sometimes think that through all the work I have seen in the past 10 years that the forgotten group is the youthful offenders age 16 through 20.

Everyone is concerned about juvenile delinquents in North Carolina, and in many States that is age 15 and under. Once you are 16, or in other States once you become a youthful offender at 18, then you are forgotten; you are treated no differently than an adult 40 years old or a professional criminal. I hope some day that you, through the OJJDP Act, will have the opportunity to deal with youth crime, realizing that they are only 1, 2, or 3 years older than juvenile delinquents.

Mr. **Andrews**. That is a very good point.

Well, we had hoped to hear this complete panel, which included Mayor Morial, and to recess for lunch about 12:30, and here is the Mayor now, right on schedule.

Mr. **Mitchell**. Thank you, sir.

Mr. **Andrews**. Will you be here later?

Mr. **Mitchell**. I was planning to go home as soon as I could.

Mr. **Andrews**. I don't blame you. Between Washington and Raleigh, I agree you should depart as soon as you can.

Mr. **Mitchell**. I will see you Saturday at breakfast.

Mr. **Andrews**. How many would like for us to hear the mayor of New Orleans now or come back in 1 hour 15 minutes? Do you need to leave, sir?

Mr. **Morial**. I am at your mercy, Mr. Chairman but I would like a little justice. [Laughter.]

Mr. **Andrews**. We are interested in justice only for juveniles.

Mr. **Morial**. Sometimes my constituency think that I am a juvenile. [Laughter.]

Mr. **Andrews**. Suppose you come around. I think we can finish by 12:30. Do you not think so?

Mr. **Morial**. Surely.

Mr. ANDREWS. You come around. That will keep us on schedule.

Mr. MORIAL. Thank you, sir.

Mr. ANDREWS. You have previously been introduced as a part of the panel. Let me say again we are pleased to have a very distinguished mayor from the city of New Orleans, home of Gordon Raley, our staff director.

[Prepared testimony of Ernest Morial follows:]

PREPARED TESTIMONY OF HON. ERNEST MORIAL, MAYOR OF NEW ORLEANS, LA., ON BEHALF OF THE NATIONAL LEAGUE OF CITIES

Mr. Chairman, I am Ernest Morial, Mayor of the City of New Orleans and a representative of the National League of Cities. I served as a juvenile court judge for four years and had the opportunity to teach juvenile law for five years at Tulane University of Law School in New Orleans. These experiences as an Assistant U.S. Attorney, an educator, a judge and Mayor of my city spur me to share with you my thoughts and those of my colleagues in the National League of Cities.

Mr. Chairman, we appreciate your concern for youth, especially for those in trouble or skating near the edge of trouble for whatever those reasons may be. Young people will be directly affected by the decisions made by this committee and by the Congress of the United States. As an elected official I can appreciate some of the frustrations you face in making decisions in this vital area of human services. I know I can't overemphasize the importance of the decisions you will be making both to the youth who have come into conflict with our system of laws and who engage in deviant behavior, and to the society in which these conflicts may arise.

The problems of juveniles in trouble are not individual problems; they are part of a much wider spectrum of human problems and deserve the diligent and careful attention of the myriad institutions of our society.

The National League of Cities has recognized the need for greater attention to the problem of juvenile justice and deliquency prevention. In November, 1979, delegates to the League's annual Congress of Cities adopted policy to assure continuing support of juvenile justice programs at all levels of government.

For example, Mr. Chairman, we applaud the language in your bill directing the juvenile system to give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed disposition in those cases, and most assuredly and most necessarily the rehabilitation of the youthful offender. While I am aware that the serious and violent offender represents a very minute portion of all juvenile justice cases, still it is a problem of direct concern to the urban areas of our country and one which meets a disproportionate response. Violent youth are usually city youth faced with a complicated urban landscape. Frequently deprived, emotionally and physically, of the support and structure of a strong family unit. Either alone or in groups they find ways to vent their own frustrations on the people around them least able to defend themselves. These victims, often old and poor themselves, suffer the fear of crime almost as much as the reality of it. Focusing on ways to rehabilitate serious juvenile offenders will not only help the offender but will help remove the burden of fear of crime from those who cannot tolerate its burden. Most assuredly rehabilitation is much less expensive than incarceration. I urge you to continue to support this section of your bill and to provide the services desperately needed by judges in our juvenile justice court systems.

The League is also on record in support of community based facilities for juveniles wherever possible. Large institutions, with juvenile populations taken from a wide area of a state are not appropriate treatment bases for children and usually contribute to delinquent behavior after release. Community based facilities providing services for the offender and for the family of that offender seem to offer greater promise for diverting youth from a life of deviant behavior. We support every effort to encourage community rehabilitation programs. Further, we ask that you continue to support efforts to increase the capacity of local governments to provide these services.

I would like to turn to the second mandate of the Juvenile Justice Act we are considering. That is the area of delinquency prevention.

In my work in my own city and from contacts with colleagues across the country I've come to recognize how complicated the concept of delinquency prevention can be. The experiences of our young people in a nation of plenty should be positive ones. Strong families with adequate incomes and a secure future usually produce emotionally healthy, secure individuals. With every rare exceptions these young people go on to jobs and a family of their own with no brushes with the juvenile justice system. But every family in this nation is not strong and too many incomes and futures are severely limited. Too many young people, especially in cities, and especially minorities in the cities are deprived of the basic tools that could change their futures and their children's futures. Inflation has cut into already inadequate school funding. We have known for a long time that the poorly educated, often learning disabled, and those who become dropouts are in real danger of turning to delinquent behavior. A limited job market doesn't have much room for a poorly trained, unskilled teenager. In the National League of Cities we have urged federal support of educational programs addressing the special needs of all children but particularly those in greatest need, those from families with low incomes and those who are handicapped in any way. We are happy to see, Mr. Chairman, that this bill addresses the vital role of education in preventing juvenile delinquency. The National League of Cities supports your position and pledges its continued concern and support for greater educational opportunities for children with the greatest needs.

May I add that the positive programs of family support, health and medical aid to potential delinquents are also concerns of the League and myself.

Those of us who serve in local government appreciate the need for coordination between programs for youth. We know that most domestic programs will be asked to operate on austere budgets. It is very important to secure as much service as possible for every one of our dollars. We are happy to see that your bill will continue to direct a coordinated effort in programming for youth at the federal level. We hope this coordination of effort will extend to all levels of government to allow maximum efforts with limited resources in providing services for youth.

City officials and those responsible for planning juvenile justice programs know the importance of local control of funding. Long range plans need commitment of money to these plans.

The Justice System Improvement Act of December, 1979 provided for entitlement jurisdictions. These local governments, or combinations of governments, meeting population and other criteria are entitled to a portion of State formula grant funds. We would urge you, Mr. Chairman, to consider adding a similar amendment to your bill. We are not supporting specific language but we strongly support the concept of providing for local community funding to develop long range plans for juvenile justice and delinquency prevention programs.

Finally, Mr. Chairman, thank you for including locally elected officials in the membership of State Advisory Groups. These are the groups that will report on juvenile programs to the governors and legislatures of their state. It is important to us to insure that local priorities are considered in developing state juvenile policies.

I am grateful to you and the other members of the committee for allowing me the time to give my views and those of my fellow elected officials in the National League of Cities.

Thank you, Mr. Chairman.

STATEMENT OF HON. ERNEST N. MORIAL, MAYOR, CITY OF NEW ORLEANS, LA., REPRESENTING THE NATIONAL LEAGUE OF CITIES

Mr. Morial. Thank you very much, Mr. Chairman and members of the committee. I certainly want to apologize if for any reason I have caused any disruption in your schedule. Thank you very much for accommodating me as well as the National League of Cities at this time, since I am here as representative of the National League of Cities.

I served as a juvenile court judge for 4 years prior to becoming a member of the State appellate court. I also had the opportunity to teach juvenile law for 5 years at Tulane University Law School.

Prior to that time, I had experience as assistant U.S. attorney. These experiences as an educator, a judge, and now the mayor of my city, spur me to share my views and thoughts and those of my colleagues in the National League of Cities.

Mr. Chairman, we deeply appreciate your concern for the youth of our Nation and particularly your concern for the young people of this country who are in trouble or who are skating near the edge of trouble, for whatever those reasons might be.

Young people of this Nation will be directly affected by the decisions made by this committee and by the Congress of the United States. As an elected official, I can appreciate some of the frustrations you face in making decisions in this vital area of human services. I know the frustrations I faced as a juvenile judge with limited resources to respond to the needs of troubled children in my city. I cannot overemphasize the importance of the decisions you will be making to the youth who have come into conflict with our system and who engage in deviant behavior, those young people in our society who are confronted by serious conflicts within our society.

The problems of young people and juveniles who are in trouble are not individual problems. They are part of a much wider spectrum of human problems and they certainly deserve the diligent and careful attention of the myraid institutions in our democracy. The National League of Cities has recognized the need for greater attention to the problems of juvenile justice and delinquency prevention.

In November 1979, delegates to the league's annual congress of cities adopted a policy to assure continuing support of juvenine justice programs at all levels of our government.

For example, Mr. Chairman, we applaud the language in your bill directing the juvenile system to give additional attention to the problems of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions in those cases, and, assuredly most necessary, rehabilitation of youthful offenders.

While I am aware that serious and violent offenders represent a very minute portion of all juvenile justice cases, still it is a problem of direct concern to the urban areas of the country and one which usually leads to a disproportionate emotional response in the urban centers of America.

Violent youth are usually city youth, faced with a complex urban landscape, frequently deprived, emotionally and physically, of the support and structure of a strong family unit. Either alone or in groups, they find ways to vent their frustrations on the people around them least able to defend themselves. These victims often are old and poor themselves. They suffer from the fear of crime almost as much as from the reality of it. Focusing on ways to rehabilitate serious juvenile offenders will not only help the offender, but will help remove the burden of the fear of crime from those who cannot tolerate its burden, and most assuredly positive rehabilitation and after-care for youthful offenders is much less expensive than incarceration through the revolving door of our juvenile institutions.

I urge you to continue to support this section of your bill and to provide the services desperately needed by judges in our juvenile justice system.

The National League of Cities is also on record in support of community-based facilities for juveniles wherever possible and, of course, there is need for public acceptance of juvenile community-based facilities. Large institutions with juvenile populations taken from a wide area of the State are not appropriate treatment bases for children who usually contribute to continued delinquent conduct after release.

Community-based facilities provide services for offenders and the families of those offenders. They seem to offer the greatest promise for diverting young people from a life of deviant behavior.

We support every effort to encourage community rehabilitation programs. Further, we ask that you continue to support efforts to increase the capacity of local governments to provide these services.

I would like to turn now to the second mandate of the Juvenile Justice Act we are considering. That is the area of delinquency prevention. In my work in my own city and from contact with colleagues across the country, I have come to recognize how complicated the concept of delinquency prevention can be. The experiences of our young people in our Nation should be positive ones. Strong families, with adequate incomes and a secure future, usually produce emotionally healthy secure individuals.

With very rare exceptions, these young people go on to jobs and families of their own with no brushes with the juvenile justice system.

But every family in this Nation is not strong and too many incomes and futures are severely limited. Too many young people, especially in the cities and especially our minorities in the cities, are deprived of the basic tools that could change their futures and their children's futures. Inflation has cut into already inadequate school funding. We have known for a long time that the poorly educated, often learning disabled, and those who become dropouts are the ones who are in real danger of turning to delinquent behavior. A limited job market does not have much room for a poorly trained, unskilled teenager.

In the National League of Cities, we have urged Federal support of educational programs addressing the special needs of all children, but particularly those children in greatest need, those from families with low incomes and those who are handicapped in any way.

We are happy, Mr. Chairman, to see that this bill addresses the vital role of education in preventing juvenile delinquency. The National League of Cities supports your position and pledges its continued concern and support for greater educational opportunities for children with the greatest needs. May I add that the positive programs of family support, health and medical aid to potential delinquents are also concerns of the league and myself.

Those of us who serve in local government appreciate the need for coordination among programs for youth. We know that most domestic programs will be asked to operate with austere budgets. It is very important to secure as much service as possible for every one of our dollars. We are happy to see that your bill will continue to direct a coordinated effort in programing for youth at the Federal level. We hope this coordination of effort will extend to all levels of government to allow maximum effort with limited resources in providing services for our young people. City officials and those responsible for planning juvenile justice programs know the importance of local control of funding. Long-range plans need commitment of money to these plans.

The Justice System Improvement Act of December 1979 provided for entitlement jurisdictions. These local governments, or combinations of governments, meeting population and other criteria are entitled to a portion of State formula grant funds. We would urge you, Mr. Chairman, to consider adding a similar amendment to your bill.

We are not supporting specific language but we are strongly supporting the concept of local community funding to develop long-range plans for juvenile justice and delinquency prevention programs.

Finally, Mr. Chairman, thank you for including locally elected officials in the membership of State advisory groups. These are the groups that will report on juvenile programs to the Governors and legislators of their States. It is important to us to insure local priorities being considered in developing State juvenile policies.

I am grateful to you and the other members of the committee for allowing me this opportunity to give my views and those of my fellow elected officials in the National League of Cities. Thank you very much, Mr. Chairman.

Mr. **Andrews**. Thank you, Mr. Mayor.

I don't want to get into a mutual admiration society, but I agree with everything you have said. If you could sit through this committee's work with other programs—and I know you do similar things—you would find that this is about the smallest program we have. Some of the other programs, for instance, are Head Start and Follow Through. It is just appalling to learn from hearings regarding those programs that, due to lack of funds, four out of five eligible children cannot participate. By tracing certain students who participated in Head Start-type programs and other students from comparable income and ethnic backgrounds in the same communities who did not participate, studies have been made as to the degree to which the first group remained nondeviant, to pick up your phraseology, versus the number from the other group who did become deviants.

I don't know why moneys that we have in this program cannot coordinate and pick up the studies that are made of Head Start and Follow Through children and follow them in the juvenile justice program. I think this coordination is vastly lacking in so many Federal programs. We chop them off and put them in another program and start all over with new people, new moneys, new long-range and different plans.

I just so much wish that we could coordinate. This subcommittee even has the Older Americans Act and nutritional programs for the elderly. I just wish we could coordinate with our own programs and other committees and get better use of those dollars and better services to the people who need them. I think you are focusing on them and I totally agree.

Do you have any questions?

Mr. **Coleman**. No, I do not have any questions of the mayor. Thank you for coming.

Mr. **Andrews**. Thank you and your fine association. We will look forward to hearing from you, not only at the time of hearings, but any time with advice that you think we need to hear.

Mr. **Morial**. Thank you, sir.

Mr. **Andrews**. We did make it by 12:30. We will adjourn until, I guess, 1:45 rather than 2 o'clock.

[Whereupon, at 12:30 p.m. the subcommittee hearing recessed, to reconvene at 1:45 p.m. the same day.]

AFTER RECESS

[The subcommittee reconvened at 1:45 p.m., Hon. Ike Andrews, chairman of the subcommittee, presiding.]

Mr. **Andrews**. May I have your attention please. We will have the subcommittee come to order and resume our hearing.

Our next panel of witnesses of States and local representatives will be Pearl West, director, California Youth Authority, Sacramento, Calif.; James E. Girzone, commissioner for the Rensselaer Department for Youth, Rensselaer County, Troy, N.Y.; Hon. John R. Milligan, Judge, Family Court, Canton, Ohio; and Lee M. Thomas, director, Division of Public Safety Programs, Columbia, S.C.

Again, as is typical of afternoon portions of hearings, the time gets tighter and tighter. We have about 11 more people to testify. We are supposed to finish when the House goes in session at 3, so we are obviously pushed for time. That still will permit 5 minutes each with only about 5 minutes to spare. If you can—I am not stressing this to anyone in particular but all in general—please summarize your statements.

The witnesses are running considerably more than the time we had hoped for. We will recognize you then in the order in which your names were called. Ms. West, that will be you first.

[Prepared testimony of Pearl West follows:]

PREPARED TESTIMONY OF PEARL WEST, DIRECTOR, CALIFORNIA YOUTH AUTHORITY, SACRAMENTO, CALIF.

Dear Congressman Andrews: It is with pleasure that I appear before the Human Resources Subcommittee today to speak to the particular issue that has most confounded the State of California in its efforts to meet the requirement of the Juvenile Justice and Delinquency Prevention Act. The issue is that of separation of juvenile and adult offenders, as embodied in Section 223(a)(13) of the Act and as reflected in materials subsequently developed by OJJDP addressing the objective of the removal of juveniles from adult jails, lock-ups, and prisons.

The California Youth Authority has been in existence since 1941. Its enabling legislation was based on the Model Youth Correction Authority Act drafted by the American Law Institute. For over 35 years, the Youth Authority has operated as California's disposition of last resort for the juvenile courts and as an alternative for the criminal courts providing a rehabilitative and less punitive option than state prison for adult offenders under the age of 21. Pursuant to the California Youth Authority Act, all persons under the jurisdiction of the Youth Authority are responded to on the basis of their personalized treatment needs. An indeterminate approach to confinement periods, and institutional program placement is based upon individualized assessment of behavior patterns, educational and social history, competence and ability, for example, rather than simply age or court of commitment.

In 1974, of course, the Juvenile Justice and Deliquency Prevention Act was enacted. The provision with which the Youth Authority is most immediately concerned, the separation requirement, did not on its face recognize or otherwise speak to the youthful offender system concept. To the extent that we have been able to ascertain, the motivating force for the inclusion of the separation requirement was the well-founded concern that juvenile delinquents were subject to criminal contamination and/or physical brutalization as a result of being placed in jails and prisons in contact with hardened, mature, adult offenders. The existence of an alternative, such as a youthful offender system, for safeguarding young people was apparently either not brought before the Congress or was not seriously considered. It is apparent that there was no intent on the part of Congress at that time to create a conflict with the California Youth Authority specifically or with youthful offender systems generally.

In that regard, I have, in recent months, had occasion to review material that I believe was prepared by OJJDP concerning the rationale utilized in determining the required level of separation necessary for compliance with Section 223(a)(13). Such material is replete with references to the negative aspects of placing juveniles in adult jails and prisons. It refers to the negative self image that accrues to juvenile offenders being "aggravated by impersonal and destructive nature of adult jails and lockups." If notes that "the occurrence of physical harm and sexual abuse of juveniles by adults is well documented and greatly increased within the secure and obscure confines of an adult jail or lockup." In short, it quite clearly indicates that the traditional adult jail, lockup or prison was the focus of the implementation of Section 223(a)(13). A copy of this material is attached.

The youthful offender system that we have in California simply is not an adult jail, lockup, or prison. While most of the facilities are fenced, they are not highly secure, at least as that term is utilized to describe prisons. Lethal weapons are not available in these institutions. Staff do not wear uniforms. Staff of both sexes, performing all variety of supervising and counseling activities, work in and among the young people within our institutions. Notwithstanding the presence of substantial number of young adults, who would, but for the existence of the Youth Authority, have been sentenced to state prison, our facilities are characteristic of juvenile rehabilitative facilities, rather than state prisons.

The record of our extended discussions with the Office of Juvenile Justice and Delinquency Prevention and with LEAA clearly establishes that the merit of the programs of the California Youth Authority has not been at issue. What has been at issue is the discretion of the federal authorities to recognize and sanction a youthful offender system. While the OJJDP has, during the course of our discussions, amended its position as to the criteria for separation to a certain degree, they have not been able to see their way clear to fully recognize the youthful offender concept. It is for the purpose of extending to the OJJDP discretion to so act that I appear before you today to urge a specific amendment to the Act.

Notwithstanding the fact that the quality of the Youth Authority's programs has not been put at issue by OJJDP or LEAA, I am not unmindful of the fact that there are those who do question our programs and who have recently done so via national publications. I do not doubt that their beliefs are sincerely held. It is most unlikely that anything that I might say before this committee would dissuade them from such beliefs. I can only extend to such individuals and organizations, as well as to this committee and any others who may be interested, our standing invitation to visit our facilities as hundreds of national and international visitors do every year, and to examine our programs so that such negative opinions as may still persist will at least be based on first hand observation, rather than on emotion and hearsay.

In that same regard, I do not wish to be viewed as being in favor of anything less than the best possible programs and facilities for all young people and I would be remiss if I did not bring to the subcommittee's attention the fact that there is nothing whatsoever about the separation requirement per se that guarantees or even promotes better resources for juveniles or young adult offenders. Separation in and of itself will not improve programs. If anything, it will, at least in the present fiscal climate in California, cause a reduction of the quality of programs as desperately needed resources would have to be diverted from present program uses to meet the considerable expense of the program duplication that would be necessitated by separation.

I am also aware that there are those who are of the opinion that California locks up an inordinate number of young people and that, were our confinement ratios more in line with the remainder of the nation, the difficulties presented by the separation requirement would not be as great. Again, I do not doubt that such beliefs are sincerely held. I, in fact, share the concerns over the numbers of young people, in California as well as elsewhere, who are in secure custody. I would point out, however, that just as we are currently in an era of anti-government fiscal revolt, we are also continuing to experience a seemingly ever increasing "get tough on crime" attitude on the part of the public, the judiciary, and the Legislature.

It is simply not currently realistic, at least in the State of California, to expect any dramatic reversal in the trends of incarceration of offenders of whatever age. Those of us who are concerned about such matters are, at best, fighting a holding action.

In that connection, you may wish to be aware of the fact that my department presently administers a local justice system subvention program of approximately 60 million dollars, under which we provide funds to the counties to defray local justice system costs, with the entitlement of each county to such funds being dependent on the county not exceeding a prescribed number of persons committed to either the state prison system or to the Youth Authority. Via this program, we provide much needed dollars to the local governmental authorities, who then distribute them throughout the local criminal and juvenile justice systems to support local probation departments, development of community alternatives to incarceration, and a variety of other local efforts. In fiscal year 1978–79, for instance, over four million dollars went to private community based agencies and over 34 million dollars went to local probation departments for such purposes.

I would like to return, for a moment, to the issue of numbers of young people incarcerated within the state. There were, as of December 31, 1979, approximately 4,750 young people within the facilities of the Youth Authority. Of that total, 2,663, or 56 percent, were committed to the department from the juvenile courts. Of the total of 4,756, 1,625 had not yet attained their 18th birthday. Most of the 1,625 were juvenile court commitments, with a few being minors who had been waived to the adult courts and then, as an alternative to state prison, been committed to the Youth Authority. As of the same December 31, 1979 date, there were 6,317 persons confined by the local authorities in juvenile halls or local juvenile homes, ranches and camps.

The point of the above, and again notwithstanding the concern that I share regarding the numbers of young people under secure custody in the state, is that the Youth Authority accounts for a relatively small proportion (approximately 1600 of a total of almost 8000, or less than 20 percent of the minors who are being detained or confined in the state. Those who come to us have, for the most part been given every opportunity to succeed at the local level prior to commitment to us. We are, in plain fact, the last resource available to the juvenile courts and, under California law, we may be so utilized by the juvenile courts only after all local alternatives have been considered and rejected.

I believe that it might be appropriate at this point to briefly comment on which I have perceived as an attitude on the part of those interested in this issue to hold the very highest degree of concern for juveniles while exhibiting minimal, if any, concern for those same individuals once they are a year or two older. The age of majority differs, of course, from state to state. Some states, I understand, place it as low as 16. Others are higher. I must confess to some difficulty with the notion that a 17 year old juvenile in one state is worthy of concern, while a 17 year old adult in another state is no longer a legitimate subject of interest. I have four sons. No doubt some of you are also parents of children who are over the age of 18, and I am sure that neither you nor I have lost interest in them as they have attained their majority. Young people are not precipitously projected into mature adults at the magic tick of the clock that marks their 18th birthday. Maturing is a gradual process, stretching over several years, varying from one individual to another.

The 17 year old of today will be the 18 year old of tomorrow and it strikes me a tragic and illogical that we, the collective bureaucracy should focus so closely on the class of individuals defined by law as juveniles that we forget or ignore that the individual human beings who comprise that class will soon be adults, albeit young, immature, adults, and will for the most part, still have the same hopes, needs, and problems tomorrow that they do today. Moreover, with Americans increasing in longevity, a valid argument can be made for longer, earlier, investments in corrections as well as education.

Finally, I should also point out to the subcommittee, that there is nothing contained in the separation requirement that is directed toward the reduction of the numbers of young people confined at the state level. Separation will not reduce the need to remove certain individuals from society as decided by the public, the Legislature, or the courts.

It is my belief that the interests of the public, from both a fiscal and social view, and the interests of those among the young of our citizenry who run afoul of the law, would be best served by an amendment to the Act that would sanction, if not encourage, the youthful offender concept. These interests will be best served because the youthful offender concept accomplishes two primary and worthwhile objectives. First, it treats young people as individuals, rather than as categories via the considerable flexibility it affords to respond to the needs of such individuals throughout their entire transition from childhood to mature adulthood. Second, it maximizes resources by providing a means to separate the serious juvenile offender from the less serious juvenile offender, and the less serious young adult offender from the more serious and mature adult offender, making it possible to respond logically to the needs of the individuals within those groups without unnecessary and wasteful deference to arbitarary classification based just on chronological age.

I offer such an amendment with full awareness of the existence of the divergent points of view noted previously, as well as with awareness of the oft-spoken concern that such an amendment will somehow open a "loophole," if you will, for states to circumvent the Act. The amendment which I am urging, a copy of which is attached to this statement, attempts to respond, in a reasonable fashion, to these concerns.

Basically, the amendment would leave in the law the separation requirement, with the further proviso that such requirement would not be deemed to be violated by a youthful offender system so long as certain conditions were met. The conditions are (1) that the state have an extensive array of local services available which would be required to be utilized for the particular juvenile offender unless such local services are, after individual consideration, deemed unsuitable for the juvenile by the court; (2) that the youthful offender system be a creature of state statute, not just administrative policy and that it have rehabilitation as its statutory purpose; (3) that its availability be limited to juveniles who cannot be responded to in a satisfactory manner at the local level, and to 18, 19 and 20 year olds as well, who are deemed inappropriate for state prison; (4) that such system have a sophisticated classification system that evaluates the educational, social, psychological and physical characteristics and needs as a part of an individualized program placement process; and (5) that the youthful offender system be operated by a state governmental entity that is separate and independent from the state prison system.

The proposed amendment further requires that the Administrator of the OJJDP make an affirmative finding that all of the noted requirements have been met. The specific requirements, coupled with the responsibility placed on the Administration will, in my judgment, provide those safeguards necessary to assure that the interests of the public, the juvenile and the youthful offenders are all met. Withdrawal from the Act may be the only reasonable alternative left to California and other states should the federal government wish to be totally inflexible in its disregard of states' rights to determine the nature of juvenile corrections systems at the state level. In California, for example, where our 1979 and 1980 plans have been rejected and the state found out of compliance with the JJDP Act, funds to many local delinquency prevention programs may be embargoed because of the design of its historically effective state level juvenile and youthful offender corrections system. Faced with this situation, our choices are few—they include:

1. California's withdrawal from participation in the Act. This would mean the death of hundreds of local delinquency prevention programs which depend on JJDP funds. The California Youth Authority uses no JJDP funds for its institutional programs.

2. Statutory action by the state to dismantle the state's youthful offender correctional system. This would result in 2,000 youthful offenders presently in the California Youth Authority being removed from a rehabilitative system and added to the 2,300 adult prison population in California.

3. Administrative action to separate segments of the Youth Authority's population. This would result in a program duplication costing a minimum of $3 million and which may well lessen and certainly not improve the rehabilitative programs of the Youth Authority.

Finally, in support of the fact that the Congress apparently did not intend to usurp states' rights by dictating the exact nature of state level juvenile and youthful offender correctional systems, the OJJDP has had great difficulty in applying the separation requirement as presently stated. In California, for example, in 1978 it was mandated by OJJDP that California should separate its state level juvenile and youthful offender correctional population according to the court of commitment. In 1979, this decision was changed to mandate that we should separate those over 18 from those under 18. In conclusion, it seems to me that it is inappropriate to insist on the destruction of an effective youthful offender system at the state level in order to meet the separation requirement when it is very clear that even the definition of the age of juvenile varies among the states.

I do appreciate this opportunity to present our concerns to the subcommittee. I stand ready to provide whatever additional information the subcommittee may deem necessary to satisfy itself that our proposal is worthy of inclusion in the reauthorization of the Act. Thank you.

RATIONALE UTILIZED IN DETERMINING THE LEVEL OF SEPARATION FOR COMPLIANCE WITH SECTION 223(a)(13) OF THE JJDP ACT

Section 223(a)(13) of the JJDP Act states that juveniles alleged to be or found to be delinquent, status offenders and non-offenders shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges. OJJDP's initial effort focused on determining and defining the level of separation necessary for compliance with Section 223(a)(13) because of a lack of clarity in the statutory language. In this effort OJJDP considered all possible levels of "contact."

Working from the premise that regular contact between juveniles and adult offenders was detrimental and should be eliminated in secure confinement facilities, theeffort was directed at what types of contact should be prohibited. The levels of conact which were considered included physical, visual, aural, and environmental. These various levels of contact were defined as follows:

No separation.—Adult inmates and juveniles can have physical, visual, and aural contact with each other.

Physical separation.—Adult inmates and juveniles cannot have physical, contact with each other.

Sight separation.—Conversation possible between adult inmates and juveniles although they cannot see each other.

Sound separation.—Adult inmates and juveniles can see each other but no conversation is possible.

Sight and sound separation.—Adult inmates and juveniles cannot see each other and no conversation is possible.

Environmental separation.—Adult inmates and juveniles are not placed in the same facility. Facility is defined as a place, an institution, a building or part thereof, a set of buildings or an area whether or not enclosing a building, which is used for the secure confinement of adult criminal offenders.

A common thread which ran throughout this effort was an attitude which approached each of the issues from an advocacy posture on behalf of youth. Considerable attention focused on the traditional representation of police, jailers, the courts and correctional officials, as well as the taxpayers and the architects, in matters related to the elimination of regular contact (or establishing it in the first place). It was clear that from an operational, financial, and design perspective that a limited interpretation of regular contact, such as physical only, would be the most expedient, most convenient, and least costly alternative. Obviously, this is not what the Act intended. Throughout, the Act mandates an advocacy posture on behalf of young people on all relevant issues and seeks to provide a voice, or representation, for their interests in the planning and operation of the juvenile justice system. It is from this perspective that OJJDP addressed the issue of "separation."

A principle area of concern was the intent of Congress as developed in testimony before the Senate Subcommittee to Investigate Juvenile Delinquency. The hearings on the Detention and Jailing of Juveniles in 1973 provided the following observations from the Senate Subcommittee:

Regardless of the reasons that might be brought forth to justify jailing juveniles, the practice is destructive for the child who is incarcerated and dangerous for the community that permits youth to be handled in harmful ways.

Despite frequent and tragic stories of suicide, rape and abuses, the placement of juveniles in jails has not abated in recent years. A significant change in spite of these circumstances has not occurred in the vast majority of states. An accurate estimate of the extent of juvenile jailing in the United States does not exist. There is, however, ample evidence to show that the volume of juveniles detained has increased in recent years. The National Council on Crime and Delinquency in 1965 reported an estimate of 87, 591 juveniles jailed in that year. Sarri found that some knowledgeable persons estimate that this has increased to today's high of 300,000 minors in one year. Approximately 66 percent of those juveniles detained in jail were awaiting trial. The lack of any alternatives has been most frequently cited as a reason for detaining more and more youngsters in adult jails. (Subcommittee to Juvenile Delinquency, Committee on the Judiciary, U.S. Senate Hearings on the Detention and Jailing of Juveniles, 1973.)

In expanding on this observation by the Senate Subcommittee, consideration was given to a variety of information sources including research and surveys, informed opinion and standards, state legislation, court litigation, and common usage in the field.

RESEARCH

Recent research and surveys formed a frame of reference concerning the extent of the problem being addressed and established a philosophical foundation for the consideration of "separation." It is important to note that the principle source of information used below was formulated by the Children's Defense Fund in their pioneering study of *Children in Adult Jails* (1976) and includes on-site survey of nearly 500 jails and lockups in 126 counties in nine states. This is an important consideration given the historical controversy which exists of Juvenile Corrections' *Under Lock and Key* which did not include the magnitude of on-site evaluation, but provides an exhaustive survey of the existing literature on the subject of juveniles in adult jails and lockups.

The studies found that the placement of children in adult jails and lockups has long been a moral issue in this country which has been characterized by sporadic public concern and only minimal action towards resolution of the problem.

It is suspected that the general lack of public awareness with respect to this problem and the low level of official action is exacerbated by the absence of meaningful information as to the extent of the practice and the low visibility of juveniles placed in jails and lockups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly conceived rationales. In fact, the time honored but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny. In reality, the aggressive, unpredictable threat to public safety perceived by the community is often small, shy, and frightened. The Children's Defense Fund indicates that 18 percent of the juveniles in jail, in a nine state area, have not even been charged with an act which would be a crime if committed by an adult; 4 percent have committed no offense at all. Of those jailed on criminal-type offenses, a full 88 percent are there on property and minor offenses. As is the case with all public institutions, minorities and the poor are disproportionately represented.

Not until 1971 did a clear and comprehensive picture of jails surface with the completion of the National Jail Census. By its own admission, the Census showed only a shapshot of American jails and the people who live in them. Significantly, the Census excluded those facilities holding persons less than 48 hours. This is critical with respect to juveniles in that is it the police lockup and the drunk tank to which juveniles are so often relegated under the guise of "separation." The Census did, however, give us the first clear indication of the number of juveniles held in jail. On March 15, 1970, 7,800 juveniles were living in 4,037 jails. A comparable census in 1974 estimated that the number had grown to 12,744. The inadequacy of the data is compounded when a determination of the number of juveniles admitted to adult jails and lockups each year is sought. Surveys conducted by the National Council on Crime and Delinquency and the National Assessment of Juvenile Corrections indicate that this figure ranges from 50,000 to 500,000. The Children's Defense Fund, in its study of children in adult jails, indicates that even the half million figure is "grossly understated" and that "there is an appalling vacuum of information . . . when it comes to children in jail." Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade.

While the arguments for placing juveniles in jails are fragile and founded on incomplete and contradictory information, the arguments against holding juveniles in jail are pervasive and along scientific lines. They are summarized below.

The "criminal" label creates a stigma which will exist far longer than the period of incarceration. This stigma increases as the size of the community decreases and affects the availability of social, educational, and employment opportunities available to youth. Further, it is doubtful if the community's perception of the juvenile quarters in the county jail is any different than that of the jail itself.

The negative self image which a youth often adopts when processed by the juvenile system is aggreavated by the impersonal and destructive nature of adult jails and lockups. Research continues to document the deleterious effects of incarceration and the conclusion that this experience, in and of itself, may be a contributing factor to continued delinquent activity.

The practice of holding juveniles in adult jails is contrary to the development of juvenile law and the juvenile justice system which, during the past 79 years, has adamantly emphasized the separation of the juvenile and adult systems.

The occurrence of physical harm and sexual abuse of juveniles by adults is well documented and greatly increased within the secure and obscure confines of an adult jail or lockup.

In 1974, the National Assessment of Juvenile Corrections assumed and defended the position that "placing juveniles in adult jails and lockups should be entirely eliminated." Similarly, the Children's Defense Fund advocated, "to achieve the goal of ending jail incarceration of children, states should review their laws to prohibit absolutely the holding of children of juvenile court age in jails or lockups used for adult offenders."

STANDARDS

As early as 1961, the National Council on Crime and Delinquency stated that: "The answer to the problem is to be found neither in 'writing off' the sophisticated youth by jailing him nor in building separate and better designed juvenile quarters in jails and police lockups. The treatment of youthful offenders must be divorced from the jail and other expensive 'money saving' methods of handling adults."

The President's Commission on Law Enforcement and Administration of Justice established that "adequate and appropriate separate detention facilities for juveniles should be provided." (*The Challenge of Crime in a Free Society*, 1967, Page 87.)

Subsequent national standards in the area of juvenile justice and delinquency prevention reaffirmed this position.

The National Advisory Commission on Criminal Justice Standards and Goals states that "jails should not be used for the detention of juveniles." (*NAC Task Force Report on Juvenile Justice and Delinquency Prevention*, Standard 22.3, 1976 Page 667.)

The American Bar Association and the Institute for Judicial Administration stated that "the interim detention of accused juveniles in any facility or part thereof also used to detain adults is prohibited." (IJA–ABA Juvenile Justice Standards Projects, *Interim Status*, Standard 10.2, 1976, Page 97.)

The National Sheriffs' Association stated that, "in the case of juveniles when *jail detention cannot possibly be avoided*, it is the responsibility of the jail to provide full segregation from adult inmates, constant supervision, a well-balanced diet, and a constructive program of wholesome activities. The detention period should be kept to a minimum, and *every effort made to expedite the disposition of the juvenile case*." (*National Sheriffs' Association of Jail Security, Classification, and Discipline*, 1974, Page 31.)

The American Correctional Association had not yet promulgated standards for Adult Local Detention Facilities but every indication pointed towards their adoption of a standard requiring at least sight and sound separation of juveniles and adult offenders. They were, in fact, later to state that "juveniles in custody are provided living quarters separate from adult inmates, although these may be in the same structure." (ACA Commission on Accreditation for Corrections. *Manual of Standards for Adult Local Detention Facilities*, Standard 5338, 1977, Page 177.)

While the statements by the NSA and the ACA fall short of requiring the removal of juveniles from adult facilities it is clear that anything less than sight and sound separation would not meet their requirements.

STATE LEGISLATION

Virtually all of the states allow juveniles to be detained in jail as long as they are separated from adult offenders. In addition, all states but Alabama, California, Colorado, Georgia, Louisiana, Maryland, Massachusetts, Michigan, Nevada, New York, South Dakota, Tennessee, Texas, and Washington adhere to the Interstate Compact on Juveniles, Article IX of which deals with detention practices.

To every extent possible, it shall be the policy of the states party to this compact that no juveniles or delinquent juvenile shall be placed or detained in any prison, jail or lockup, nor be detained or transported in association with criminal, vicious or dissolute persons.

The Children's Defense Fund in *Children in Adult Jails* (Page 40) circumscribe the placement of juveniles in jail. One standard approach is to require that children be separated from adult prisoners. "Separation, however, is not always defined in precise terms—sometimes a statute may specify that a different room, dormitory or section is necessary; in other cases, statutes provide that no visual, auditory or physical contact will be permitted. In still other states, the language is unexplained and vague. Although we have seen that one response to implementing this separation requirement is to place children in solitary confinement, legislatures seem not to have realized this would result, and a separation requirement is not usually accompanied by a prohibition on placing children in isolation. In fact, in none of the states studied did the statutes prohibit isolating children in jail.

"It is important to note that a clear and strongly worded separation requirement is no guarantee that children held in jails will receive services particularly geared to their special needs, i.e., educational programs, counseling, medical examinations, and so on. While many separate juvenile detention facilities are required by state statute to have a full range of such services, including sufficient personnel trained in handling and working with children, children in these same states who find themselves in adult jails are not required to be provided with a similar set of services.

"Some states, at least, appear to recognize that the longer a child is detained in jail the greater the possibility of harm. As a consequence, their statutes establish time limitations on the period that children can be held in jail; if some exist, extensions of indefinite duration are often sanctioned upon court order."

An analysis of the national practices to detain juveniles in jails present some problems since many of the states' statutes are ambiguous. From the face of the statute, it was often difficult to determine whether a juvenile was not allowed in a jail at all or if it was an acceptable practice as long as he/she was kept separated from adults. Ohio, for example, has a statute which says that in counties where no detention home is available, the board of county commissioners shall provide funds for the boarding of juveniles in private homes, but the statute also talks about the separation of juveniles and adults in jail.

The following sample of statutory language does provide strong support, however, for the common usage by the states in defining separation of juveniles and adult offenders in terms of sight and sound.

Juvenile offenders shall not be detained in an adult jail facility unless totally segregated from the adult population. Total segregation mandates separation from sight and sound. Under no circumstances shall adult inmates be used to provide food services or janitorial services in the youth detention section. (Proposed Minimum Standards, State of Washington, 1777, and RCW 13.4.115)

Juveniles may be placed in an adult facility but in a room or ward Section 208.120.)

If a juvenile detention facility is located within and as a part of a jail or other facility used for the incarceration of adults, the juvenile detention area must be so located and arranged as to be completely separated from incarcerated adults by sight and sound barriers. Contact or communication of any kind between detained juveniles and incarcerated adults is prohibited. (New Mexico Standards, 1973.)

No child shall be held in a police station, lockup, jail, or prison except that, by order of the Judge, setting forth the reasons therefor, a child over 16 years of age whose behavior or condition is such as to endanger his safety or welfare or that of other inmates in the custody center for children, may be put in jail or other place of detention for adults, provided it is a room or apartment entirely separated from the adults confined therein. (Puerto Rico Statutes, 34 LPRA, Section 2007 c.)

Provide for the separation of juveniles under age sixteen (16) from the sight and hearing of other inmates and the housing, outside of jails, of all juveniles age fourteen (14) or under. (Nebraska Revised Statutes, Section 43-212, R.R.S. Neb. 1943.)

Written policy and procedure shall prescribe that only if absolutely necessary, under applicable statutes of this state, shall *a child under the age of sixteen (16)* be detained in any police station, prison, jail or lockup. However, if detention is authorized, such juveniles shall be housed *completely separate from adults*. Separation must be substantial architectural arrangements which permit no visual contacts. (Oklahoma Minimum Standards, 1977.)

A detention center assures complete separation of alleged delinquents from adjudicated delinquents and adults charged with and/or convicted of a crime. (Maryland State Statutes, Subtitle 8, Section 3–823.)

Detention facilities shall be entirely separated and distinct from the ordinary jails, lockups or police cells. (Maryland Standards, 1976.)

Juveniles (14–18 years of age) should be segregated from the sight and sound of adult inmates. (Oregon Standards, 1973.)

No minor under 16 years of age may be confined in a jail or place ordinarily used for the confinement of prisoners in a police station. Minors under 17 years of age must be kept separate from confined adults and may not at any time be kept in the same cell, room, or yard with adults confined pursuant to the criminal law. (Illinois State Statutes, Section 702–8(1), 1971.)

Separate shall include lack of any auditory and/or visual contact or communication. (Illinois Standards, 1975.)

May on order of the court, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults. (Michigan Statutes 712 A.16.)

When juvenile detention homes are not available and it becomes unavoidable to confine a juvenile in the county or city jail, it should be the jailer's responsibility to see that every protection is given the juvenile and that his experience in jail carries as little stigma and exposes him to as little harm as possible. This means that when detained in jail, juveniles should be kept fully apart from adults. (South Dakota Standards, 1970.)

The separation of juveniles (if detained in facility) from sight and sound of adult inmates. . . . (Texas State Statutes, 1976.)

Juveniles shall be housed within the insitution in a separate section from adults, to the extent that facilities will permit. If that is not possible, such detainees shall be housed in separate cells from adults. (Virginia Rules and Regulations, 1975.)

Separate Confinement. (South Carolina)

Separate accommodations for juveniles and special staff of supervise juveniles at all times. (Florida)

Absolute prohibition against placing 14–17 year olds in any jail or house of correction. However, juveniles can be detained in a ploice station or lockup with the written permission of the State Commission of Youth Services." (Massachusetss)

When detention of Juveniles cannot be avoided, the local detention facility shall provide segregation from adult inmates and adequate supervision. (Wyoming Proposed Standards, 1977.)

A child, pending a hearing, shall not be placed in an apartment, cell or place of confinement with adults charged with or convicted of a crime. (Arizona Revised Statutes, Title 8–226.)

This law is interpreted by most jurisdictions as prohibiting the detention of a juvenile under any conditions in a city or county jail or any police operated holding facility. However, some jurisdictions interpret the law more literally and allow youth to be held in the facility but in a separate cell or section of wing of the facility.

A juvenile may only be held in such a facility if he/she is fifteen years of age or older, and then only in a room or ward entirely separate from adults. (Louisiana Revised Statutes, Section 13–1577: 1975.)

In no case shall a child be confined in a community correctional center, or lockup, or in any place where adults are or may be confined. (Connecticut Statutes, Section 17–63.)

A room separate and removed from adults so that the child cannot come into contact or communication with any adult convicted of a crime. (Ohio.)

To be held "apart" from adults. (New Jersey.)

It shall be unlawful to hold a child in jail. (Pennsylvania Statutes, effective December 31, 1979.)

Youth under 18 years of age are prohibited from being detained in a jail or other facility with the detention of adults. (D.C. Code—Civil Action No. 1462–72: 1971.)

Juveniles shall be segregated from the rest of the jail population so that there shall be no visual or audio contact. (Maine Standards, 1977.)

While some states had enacted legislative restrictions prior to the passage of the 1974 Juvenile Justice and Delinquency Prevention Act, the majority of the legislative activity on this subject was in response to the mandates of the Act. More significantly, the legislation enacted since 1974 has removed many of the ambiguities which have plagued the earlier legislation. In addition, states have moved increasingly to an outright prohibition on the jailing of juveniles rather than the traditional response of merely separating within the facility. These recent trends are particularly evident in the states of Maryland, Washington, and Pennsylvania, all of which have legislated an outright prohibition on the jailing of juveniles on January 1, 1978; July 1, 1978; and December 31, 1979, respectively

COURT LITIGATION

Court litigation in this area has been limited but indications point to increased activity in states which are not moving towards corrective legislation.

A recent Federal court ruling held that although the Constitution does not forbid all jailing of juveniles in adult facilities, a statute of Puerto Rico violates due process by permitting the indefinite jailing of juveniles in adult facilities without some form of notice and hearing prior to the confinement decision and violates equal protection by permitting a child to be punished indistinguishably from an adult without the same procedural safeguards. The court refused to hold that custody of juveniles in adult jails is, in and of itself, cruel and unusual punishment under the Eighth Amendment. Significantly, however, it noted the "disturbing evidence that conditions in these adult institutions may not, in fact, be minimally human," and as such reiterated that had the case before the court been directed toward the adequacy of the conditions in the particular institution, rather than the statute authorizing such incarceration, they may have found for the Plaintiff on the grounds of cruel and unusual punishment. (*Osorio* v. *Rios*, 429 F. Supp. 570: DPR 1976)

On the subject of separation of juveniles and adult offenders in correctional facilities, the court in *O——H——* v. *French* (504 SW 2d 269: 1974) relying heavily on *Edwards* v. *McCauley*, (784 NW 2d 908) 1971, stated that juvenile offenders who present serious disciplinary problems may be transferred and housed within the geographical confines of an adult institution "provided they are sufficiently segregated from other inmates and are provided a specially prepared treatment program appropriate to their needs." Several other state level cases have stated this requirement and *State* v. *Kemper*, App., 535 SW 2d 241, emphasizes that this separation must be sufficient to protect the minors from the adverse influence which adult prisoners might have upon them.

COMMON USAGE

This area of examination in seeking a definition of "separation" concerns the criteria utilized by the U.S. Department of Justice in previous years with respect to the placement of juvenile offenders in adult facilities. This includes the criteria utilized by the Law Enforcement Assistance Administration in its review of applications seeking funding under the 1971 Part E Amendement to the Omnibus Crime and Safe Streets Act and the Public Workers Act of 1976. The criteria utilized with respect to the 1,000 plus applications is stated as follow:

"Part E review criteria defines regular contact to permit no more than haphazard or accidental between juveniles and incarcreated adults so as to effect as absolute a separation as possible. This includes separation at intake, separate living, dining, recreational, educational, visiting, and transprotation facilites, as well as separate staff operating under court approved guidelines on a 24-hour basis.

It should be emphasized, however, that these provisions constitute the minimally acceptable criteia for compliance with the Part E legislation and should be considered only as a last resort. The National Clearinghouse recommends that alternative strategies be developed to facilitate the complete removal of juveniles from adult detention facilities. These strategies should include the consideration of emergency foster care, home detention, shelter care, and regional juveniles detention, as indicated by a comprehensive survey and analysis of the juvenile detention population and available community resources."

The importance and utility of the complete removal of juveniles from adult detention facilities is attested to by the unequivocal support of the emerging national standards in juvenile justice and documented by the effectiveness and efficiency of successful program examples in both rural and urban areas of the country.

This criteria, as applied by the National Clearinghouse for Criminal Justice Planning and Architecture, means sight and sound separation.

Another example, as the Children's Defense Fund points out, is findings and policy of the DOJ's Bureau of Prisons.

Juveniles do not belong in a jail. However, when detaining a juvenile in a jail is unavoidable, it becomes the jailor's responsibility to make certain that he is provided every possible protection, and that an effort is made to help him avoid any experiences that might be harmful. This means that the juvenile must always be separated as completely as possible from adults so that there can be no communication by sight or sound. Exposure to jailhouse chatter or even to the daily activities of adult prisoners may have a harmful effect on the juvenile. Under no circumstances should a juvenile be housed with adults. When this occurs, the jailor must check with the jail administrator to make certain that the administrator understands the kinds of problems that may arise. There is always a possibility of sexual assault by older and physically stronger prisoners, with great damage to the juvenile.

Keeping juveniles in separate quarters is not all that is required. Juveniles present special supervisory problems because they are more impulsive and often more emotional than older prisoners. Their behavior may therefore be more difficult to control, and more patience and understanding are required in supervising them. Constant supervision would be ideal for this group and would eliminate numerous problems.

Juveniles in close confinement are likely to become restless, mischievous, and on occasion, destructive. Their tendency to act without thinking can turn a joke into a tragedy. Sometimes their attempts to manipulate jail staff can have serious consequences. A fake suicide attempt, for example, may result in death because the juvenile goes too far; no one is around to interfere. (U.S. Bureau of Prisons, The Jail: Its Operation and Management, Nick Papas, Editor, Washington, D.C.: 1971).

While the language of the Act appeared to restrict the use of "environmental" contact as the appropriate level of separation required for participation in the formula grants program, it was nonetheless the position of OJJDP that this was, in fact, legitimate and the most likely and eventual level of separation which would be required by the state legislature and the courts. Further, there appeared to be ample evidence that "sight and sound" contact with adults produced many of the negative conditions which Congress sought to eliminate in Section 223(a) (13). These include the stigma produced by the negative perception of an adult jail or lockup regardless of designated areas for juveniles, the negative self-image adopted by or reinforced within the juvenile placed in a jail, the often oversealous attitudes of staff in an adult facility, the high security orientation of operational procedures, the harshness of the architecture and hardware traditionally directed towards the most serious adult offenders, and the potential for emotional and physical abuse by staff and trustees alike. In this same vein, it was felt that any acceptable level of separation within adult jails would not only be a costly architectural venture if adequate living conditions were to be provided, but would be virtually impossible in the majority of the existing adult facilities. The specter of a Supreme Court decision prohibiting the jailing of juveniles would have the cumulative dollar effect in the hundreds of millions if a policy of separation within the facility was virgorously pursued.

Another area of considerable discussion and common concern where the dangers inherent in any level of separation short of complete removal. These dangers included the potential for isolation of juveniles in adult facilities under the guise that they were technically separated by sight and sound. While such movements at the state and local level would constitute violations of constitutional protections and be accomplished to the detriment of juveniles admitted to the particular facilities, past experiences with compliance matters made it clear that such technical deception would most likely occur in selected areas. This practice, however, is clearly addressed in the Federal Juvenile Deliquency Act (18 USC Section 5031 et seq. 7976 Supp.). While it applies only to juveniles being prosecuted by the United States Attorneys in Federal district courts, it nonetheless underscores the intent that "every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education, and medical care; including necessary psychiatric, psychological, and other care and treatment."

Its conspicuous use of the terminology similar to the Juvenile Justice and Delinquency Act concerning "regular contact" gives credence to the notion that these minimum custodial provisions are under any scheme of separation.

This is further supported by recent court litigation which has been that isolation of childen in any facility is not only unconstitutional but is "cruel and inhuman (and) counterproductive to the development of the child." (*Lollis* v. *New York State Department of Social Services*, 322 F. Supp, at 480).

PROPOSED AMENDMENT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

§ 223(a)(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges except that this paragraph shall not be deemed to be violated by a state youthful offender system if the Administrator of the Office of Juvenile Justice and Delinquency Prevention determines that:

(a) the youthful offender system is established pursuant to state statute for the purpose of providing rehabilitative treatment for persons committed to it; and

(b) the youthful offender system accepts for rehabilitative treatment juveniles who have been found to have committed criminal offenses as well as young adults who have been convicted of crimes and who have been committed by the criminal court to the youthful offender system as a rehabilitative alternative to a sentence to state prison; and

(c) there is in the state a system of local and community dispositional alternatives which must be considered by the juvenile court and deemed unsuitable for the juvenile offender before the juvenile may be committed to the youthful offender system; and

(d) young adults committed to the youthful offender system shall have been under the age of 21 at the time of apprehension for their commitment offense and shall not be retained in the youthful offender system beyond the attainment of 25 years of age; and

(e) the youthful offender system provides for the placement of individuals committed to it within particular programs based on their educational, social, psychological and physical needs as determined by diagnostic study and analysis of educational, social, psychological and physical factors; and

(f) the youthful offender system is operated by a department of state government that is separate and independent from the department of state government that is responsible for the operation of the state adult prison system.

DISCUSSION OF PROPOSED AMENDMENT TO THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

1. What it does:

(a) It provides for the recognition of a youthful offender system, to the extent that a state mandates such an additional and intermediate alternative to either local custody or state prison incarceration.

(b) It requires that such a system have certain specified characteristics designed to further the interests and protection of persons within such system, as follows:

(1) It must be established by statute;

(2) It must be for the primary purpose of rehabilitation;

(3) It is limited in availability to;

(A) Juveniles for whom local alternatives, such as the many that are available in California, are deemed by the juvenile court to be unsuitable for the individual juvenile; and

(B) Adults under the age of 21 at the time of apprehension, but in no event over the age of 25 while they are within such system, for whom neither local alternatives nor state prison are deemed by the criminal court to be appropriate;

(4) It must have a sophisticated classification system that places persons within its jurisdiction in particular specific residential and treatment programs on the basis of diagnosed individual needs;

(5) It may not be a part of the state entity that is responsible for the operation of the state prison system; and

(6) It must be a component part of a comprehensive local and state system that provides local, less restrictive alternatives for less serious offenders.

(c) It provides, via the characteristics noted above, that the responsibility be placed on the Administrator of the Office of Juvenile Justice and Delinquency Prevention to make a positive finding that such characteristics do exist, a safeguard against states that may be tempted to establish via something less than a good faith effort, a "paper" youthful offender system as a means to circumvent the requirement of § 223(a)(13) of the Act.

(d) It therefore provides, for both juveniles and young adult offenders, protection from the criminal contamination and physical abuse that could be the result of the indiscriminate placement of either category of individuals within the general state prison population.

2. Why it is necessary:

(a) It furthers the interests of young people and of the public by allowing three worthy concepts; a local juvenile system for the young unsophisticated juvenile offender, a youthful offender system for the sophisticated juvenile offender and the unsophisticated adult offender up to 21 years of age, and the established state prison system for the older, or hardened, sophisticated adult criminal.

(b) It furthers the interests of young people and of the public by recognizing that there is a transition period in the growth of an individual between childhood and full adulthood, and that such transition period does not commence or terminate simply upon the attainment of a particular chronological age alone.

(c) It furthers the interests of the public by avoiding the wasteful and duplicative expenditure of either state or federal resources to achieve separation of groups of individuals from one another on the basis of an arbitary standard (age and/or court of jurisdiction) when there is already in existence an approach to the needs of young people that protects all of them from criminal contamination and physical abuse.

(d) It furthers the interests of young people and of the public by providing an alternative to state prison for young persons who, while not technically juveniles are characterized by traits and needs that are customarily attributed to juveniles rather than to mature adults.

(e) It furthers the interests of young people and of the public by setting a high standard for other states to meet who may wish to adopt a youthful offender system.

(f) It makes sense.

STATEMENT OF PEARL WEST, DIRECTOR, CALIFORNIA YOUTH AUTHORITY, SACRAMENTO, CALIF.

Ms. WEST. As director of the California Youth Authority, which is the largest offender system in the country, I would like to say how much we appreciate the opportunity to appear personally before this committee. I have submitted a written statement, a copy of the proposed amendment, and the rationale for that amendment to the staff of the committee. I trust that the committee will take the opportunity to read that.

I would like to commence by congratulating the committee on actually launching itself into this land mark bit of revision of legislation. I think this meeting is obviously testimony to the fact that you recognize that changes need to be made if law is to be made a living instrument. We are here to support the general objectives of the Juvenile Justice Delinquency Prevention Act and those two objectives, of course, are the deinstitutionalization and separation. We are here, therefore, to support the reauthorization of that act, but we are here for the purpose of asking your panel to consider the approval of an amendment which we have submitted to your staff, which I trust you will read.

The amendment applies to 223(a)(13) of the JJDP Act which deals with separation of juveniles from adults. It is true, in the State of California we have indeed complied with the deinstitutionalization. The California Youth Authority deinstitutionalized youth offenders 2 years before the Federal law required it, and the State of California is doing it in the year subsequent to that at the county level.

It was interesting in looking at the literature of the Office of Juvenile Prevention to hear and to read in that literature that, indeed, the focus has been on getting juveniles out of jails, out of local places of detention, out of lockups and out of prisons. I will point out that the State of California has been found out of compliance with this act on the basis of the fact that the State system, not the local system but the California Youth Authority, which is not a jail, not a lockup, which does not have a drunk tank, has been found at fault.

I would suggest to you that this means that we need some change in the law for we, indeed, have a different situation. California offers proof that an additional year of intermediate separation is really required. It is cost effective. It is humane for not only the least experienced, the juveniles who are kept at the local level, but also for the most experienced of juveniles who come to the State level as well as for the young adults who come to the authority for our rehabilitative programs who are thereby protected from the serious adult offenders.

The Youth Authority has had a history of experience of 35 years. Our experience with this youthful offender system at the State level has adapted to many changes in reality. In the beginning we had children who were runaways, 8 years old. Today they are 13. They are certainly not runaways. They are people sent to us after having committed murder.

Mr. Andrews. They were sent to you after——

Ms. West. Committing a murder. Local authorities and local programs are not geared for the extensive detention or rehabilitation of people who, of course, at such a tender age commit such serious acts.

Mr. Andrews. Were they male or female?

Ms. West. They were male.

Mr. Andrews. Thirteen years old?

Ms. West. Thirteen years old.

Mr. Andrews. Was it a joint venture between the two?

Ms. West. No. These were unrelated acts.

Let me tell you, I have also seen a 13-year-old female murderer who barbecued her parents. We frown on that in California.

We believe that local solutions need to be provided for the local problems. The California Youth Authority in the State of California is responsble for financing and supervising the county system subvention program in which we allocate $60 million from the State fund, State of California, to be allocated by a board of supervisors in the county to the local county justice system. There is an advisory committee in this area that is composed not only of agency people, but private citizens.

That $60 million will increase in the coming year and it includes programs primarily of prevention, detention, and probation. The Youth Authority is indeed the place of last resort for young people who commit the most serious of offenses, both for the juvenile court and the least serious offenders for the criminal court if the offender is under age 21. Rehabilitation is the name of the game. Rehabilitation and treatment are written into our legislation. We have provided intermediate length of stay between that provided by local systems and by their camps.

Juveniles are defined differently in different States. For California at least, it has been defined at the age of 18. Yet in other States it is defined at other levels. It frankly boggles my brain and questions anybody's logic to think that a 17-year-old can be treated as a juvenile in California and go over the border and be treated as a child who didn't know better someplace else.

The arbitrary ticking of a clock making a juvenile into an adult does not happen. Adolescence is a protracted change in an individual over varying periods. In California, the judges of the criminal court take into account the maturity of the individual 18-, 19-, or 20-year-old person before them, as they do the young juvenile who comes before them, before they make a decision on commitment.

In the case of the young adult criminal in California, that judge has to find reasons for sending him to the Youth Authority, and those reasons would have to include his amenability to a rehabilitation training and treatment program. It would usually include immaturity and inexperience in the crime. It is something to know that we have such serious young offenders in our institutions that the juveniles frankly come to us for far more serious crimes on balance than, of course, the young people from the criminal court.

Let me conclude with a few other remarks, if I may. Recognizing now that nationally the country is in a period of tax revolt and will not, indeed, allow anybody to field duplicate programs for young people, if indeed the noncompliance finding of the Office of Juvenile Justice and Delinquency Prevention is sustained against the State of California because of the practices within the California Youth Authority, it is then the recognition of a fact that that system, which has grown over more than three decades into a sophisticated system dealing at three different levels with varying ages and groups of young people, would suddenly somehow have to be abandoned. In California this strict compliance, if we were to follow it actually, would do a turnabout on our system. It could mean, No. 1 that we might withdraw from the act and that if we did so, most of our local prevention and diversion programs, most of which are supported by Juvenile Justice and Delinquency Prevention funds, would be the ones to suffer, not the Youth Authority.

The Youth Authority is not in receipt of any money for its institutions, yet, its institution practices are being held up as reason to deny other programs.

If indeed, from the point of commitment, we were to have high schools for people from the juvenile court and high schools for people from the criminal courts, not to mention the more expensive vocational programs, we would be increasing the cost to the taxpayers, and I don't think the local taxpayer or Federal taxpayer think that is an appropriate thing to do.

It would mean in, the future in the State, transferring 2,000 current Youth Authority wards to a prison system which is no longer dedicated to rehabilitation. The word rehabilitation has been removed from the statute for the Department of Corrections in the State of California. Twenty percent of their 23,000 prisoners are involved in anything that could be construed as rehabilitation. In the 35 years of the California Youth Authority history, there have been two wards who have been killed in the course of a fight among the wards in the California Youth Authority. Last year alone, 16 young men were stabbed to death in the Department of Corrections in California. To transfer young people who are considered amendable to rehabilitation from one atmosphere to another thus described seems to me to fly in the face of those people who would like to accord justice and positive opportunity to young people.

In the absence of any negative finding about the California program, the California Youth Authority programs in particular, we find that the intent of the act, which was to prevent physical and psychological abuse to young people, is a burden of proof that has not been carried by the Federal Government nor founded in the Youth Authority, much less any place else in the State of California. It seems unreasonable to me that, lacking that, we should still be held by a definition to be in such drastic noncompliance that local programs would be deprived of their funding.

Let me just conclude by saying that we are as interested in justice for the young under 21 as we are if they are under 18 or if they were in another State under the age of 16. It is important, indeed, that the good faith efforts of the State of California not only comply with the intent of separation, but go farther than that and provide a more sophisticated separation system in the process of being penalized rather than being rewarded.

I would submit to you, Mr. Chairman, that the system might be held up as an example, if not just permitted to exist, by providing a system that does not require instantaneous adult remedies to people who yesterday were children.

We know that that is not the way things go. Therefore, I would like to say to you again in conclusion that we do, indeed, support the institutionalization. We do support separation, although a more sophisticated variety, and we would support reauthorization and we hope you will favorably consider the amendment we have submitted today. Thank you.

Mr. Andrews. Thank you.

Next, Mr. Girzone of Troy, N.Y.

[Prepared testimony of James E. Girzone follows:]

PREPARED TESTIMONY OF JAMES E. GIRZONE, COMMISSIONER, RENSSELAER COUNTY, NEW YORK, DEPARTMENT OF YOUTH AND MEMBER, CRIMINAL JUSTICE AND PUBLIC SAFETY STEERING COMMITTEE ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Mr. Chairman and members of the committee, I am James Girzone, Commissioner of the Department for Youth in Rensselaer County, New York. I am a member of the National Association of Counties' criminal justice and public safety steering committee, and I appear here today to present the steering committee's views on H.R. 6704, the juvenile justice amendments of 1980.

The Congress and the Office of Juvenile Justice and Delinquency Prevention, in the face of much adversity, have done much over the past few years with the Juvenile Justice Act of 1974. Most States have removed their status offenders from secure facilities. Over 30 States have revised their codes to provide for programs and services which meet the goals of the act. The Office of Juvenile Justice and Delinquency Prevention, after a shaky start, now appears prepared to assume a more active leadership role under Ira Schwartz, its new administrator. These are positive signs that indicate the Juvenile Justice and Delinquency Prevention Act of 1974 is beginning to serve the purposes and assume the leadership role you in the Congress intended.

However, all the reforms envisioned in the act have not yet been realized. We still imprison youngsters for status offenses, for being unable to get along with parents, and for running away from intolerable home conditions, in other words, for doing those things which the adult world defines as defiant behavior, Statutes which provide criminal penalties for these so-called crimes ignore the needs of young people and hinder the development of inexpensive and effective mechanisms for assisting our Nation's youth reach their full potential.

Moreover, we are discussing the reauthorization of the Juvenile Justice and Delinquency Prevention Act at a time when there are attempts to scare kids straight, to lock up more young people who commit serious and minor crimes, and when there is a declining emphasis placed on the value of young people in our society. The difference between perception and reality about serious juvenile crime has produced a reaction out of proportion to the problem posed by serious and violent youth crime.

At the same time, one part of the act is being largely overlooked. That is, its focus on prevention. Many interest groups this year have emphasized the issues of serious and violent juvenile crimes and the monitoring of deinstitutionalization efforts. Very little attention has been devoted to prevention. I recognize that prevention is difficult. It is, by definition, attempting to cause something *not* to happen. But we can prevent most delinquency if we try. Prevention must be the central focus of our efforts.

NACO has several recommendations for changes in the Juvenile Justice Act—All geared toward enhancing the act's dual mandates to improve the Juvenile Justice System and prevent juvenile delinquency.

FISCAL YEAR 1981 APPROPRIATIONS

Mr. Chairman, we have serious concerns about reports that LEAA is on the endangered list for Fiscal Year 1981 funding. The reported budget cuts would eliminate State and local criminal justice assistance programs: Formula, discretionary, and national priority grants. Although OJJDP would be funded at the level proposed by President Carter in early January, any substantial cut in LEAA'S Fiscal Year 1981 budget would have a severe negative, if not fatal, impact on the juvenile justice program.

We have three reasons for this gloomy assessment: First, 19.15 percent of the funds appropriated for LEAA must be devoted to juvenile justice and delinquency prevention programs. If LEAA is eliminated, there would be about $74 million less available for these programs. Second, the Juvenile Justice Act formula grant program is administered by the State criminal justice councils (formerly State planning agencies) most of which could not function without LEAA funds. While States may use up to 7.5 percent of their Juvenile Justice Act funds for planning, monitoring and administration, most juvenile justice specialists depend upon the States criminal justice council apparatus to assist them in their work. And, third, OJJDP's administrative budget is not a part of its appropriation, rather , it comes from the administrative budget of LEAA. If LEAA receives no money, there would be no funds to administer the office of juvenile justice and delinquency prevention.

NACO is also concerned about these reported cuts for reasons not directly related to the juvenile justice program. During the two-year process of reauthorizing the LEAA program, in the legislation, and in guidelines for running the new program local concerns and interests were given much more emphasis than in the past. The result is a program in which localities have more authority and autonomy in dealing with their criminal justice problems. The past ten years LEAA has been a state-run program. After years of arguing our position, public interest groups representing localities, and NACO in particular, have finally succeeded in persuading the administration and Congress to alter the LEAA program to give larger local governments and combinations of localities a status almost equal to States. It is disheartening to see such hard work and accomplishments threatened by the budget process.

OJJDP AS AN INDEPENDENT AGENCY

To assure that OJJDP can most effectively carry out its mandates under the Juvenile Justice Act and amendments, the National Association of Counties recommends that the Office of Juvenile Justice and Deliquency Prevention be established as an independent agency under the authority of the Attorney General. Therefore, I urge you to adopt those provisions of H.R. 6704 which give OJJDP the same status as the Law Enforcement Assistance Administration, the National Institute of Justice, and the Bureau of Justice Statistics.

Mr. Chairman, NACO believes that as a separate agency, OJJDP would have more authority to assume the role as the lead Federal agency in promoting effective and consistent Federal youth service activities and policies among the departments and agencies which have youth-related programs. NACO has been concerned for several years about programs and policies affecting young people who come in contact with the juvenile justice system. These youth service activities, when designed by different human and social service agencies, often either conflict with each other or disregard the real problems of the youths they are supposed to serve. It will take a strong, independent agency with a Presidentially-appointed administrator, to fulfill the mandate to coordinate the varied Federal youth-oriented activities.

FEDERAL COORDINATING COUNCIL

The dismal record of the Federal Coordinating Council, established by the Juvenile Justice and Delinquency Prevention Act, supports the need for a strong lead agency. OJJDP, as part of LEAA, was to coordinate the activities of other Federal agencies with respect to Federal Juvenile Justice and Delinquency Prevention activities. An interagency coordinating council was established and given the power to waive regulations and guidelines to facilitate interagency projects. All of these provisions are solid and sensible. But what happened?

After three years of dormancy, the Coordinating Council began to meet regularly only in the past year and a half. For the first time ever, the Council has a workplan and is seeking a staff contract to assure that the Council has the capacity to chart its own mission. However, six years have gone by and the Council cannot yet claim that it has had an impact upon any Federal effort relating to juvenile justice or delinquency prevention.

An example of the failure to coordinate policy development are the regulations which govern youth employment programs under the comprehensive employment and training act. According to a definition adopted in the April 3, 1979 Federal Register (20 C.F.R. 675.4), youth who are under the jurisdiction of the juvenile justice system can only be served if they are confined within an institution or if their families are income eligible. With no effective mechanism to review guidelines, the Juvenile Justice Act mandates of diversion and deinstitutionalization were contravened by a regulation which controls a program 40 times as large as the Juvenile Justice Act.

In addition to making OJJDP an independent agency, certain other provisions of H.R. 6704 would improve the efforts toward interagency coordination. They are setting aside 7.5 percent of each year's appropriation for interagency projects, adding members to the Federal Coordinating Council, providing it with staff, and giving it the authority to approve all interagency funding agreements. The expeditious use of these new powers could be the necessary impetus toward effective coordination at the Federal level.

STATE ADVISORY GROUPS/NATIONAL ADVISORY COMMITTEE

Mr. Chairman, NACO supports the efforts you have undertaken to strengthen the national advisory committee and the State advisory groups. We have long sought and now support your amendment to section 223(A)(3)(B) of the act to include local elected officials on State advisory groups. NACO recommends that you take this effort one step further and include representation by State and local elected officials on the national advisory committee in section 207(a)(2) of the act.

I remind you that it is local elected officials and their counterparts at the State level, who allocate the resources to continue the programs and services this act funds initially. Without their input at the front end of program planning; without their concerns as to what the real problems of youth are and without the capacity to have an ongoing dialogue between elected officials and the youth serving community, there will be no long term change in the system to benefit young people. Sustaining the alternatives to the juvenile justice system requires not only the cooperation of elected officials but their active participation in efforts designed to produce change.

NACO believes broadly based State advisory groups, such as those you would create, should have a stronger role in the planning and granting authority of the act. We would suggest amendments which would permit State advisory groups to draft plans for submission to OJJDP which would remain intact unless the plan conflicted with the State's criminal justice plan or the goals of the act. The burden of proof for demonstrating such a conflict should rest upon the criminal justice council. The same pattern should be set for grant making authority. If Congress intends for the State advisory groups to become an integral part of the reform effort at the State level, then it must give to State advisory groups the authority to implement the State's juvenile justice plan.

SERIOUS AND VIOLENT JUVENILE CRIME

Our membership supports language in the act which deals with the problems of serious, and violent youth crime. As I indicated in the opening of our statement, we think the problem of serious juvenile crime is often overstated but, in many counties and cities, the problem is all too real.

I would caution you, however, to remember that resources available under the Justice System Improvement Act (section 1002) have been targeted at those juveniles adjudicated delinquent. To focus the scarce resources of the Juvenile Justice Act on serious crime could deprive needed funds from other vital areas such as delinquency prevention and deinstitutionalization of status offenders. You should consider amendments to H.R. 6704 to assure that this diversion of resources does not happen.

A second concern we have is with the definition of serious crime proposed for section 103(14) of the act. I would urge the subcommittee to narrow the definition of serious crime to those crimes which threaten the lives or safety of persons and away from property crimes. Specifically, we think that a serious crime should be limited to murder, armed robbery, forcible rape or kidnapping. A serious juvenile offender should be considered as someone who commits a number of crimes as defined under the part I crimes of the uniform crime reports of the FBI. Such a definition, we believe, would focus resources where they are necessary and permit local jurisdictions the flexibility they need to develop programs which really meet the needs of both the safety of the community and the rehabilitation of those youth who commit serious crimes.

We have some concerns about the amendment you propose to section 223(a)(14) of the act which would permit State criminal justice councils to forego monitoring, if the State is in compliance and if in the opinion of the administrator, the State has adequate laws which would ensure compliance with the act. This provision needs strengthening. We urge the committee to insert language which would insure that compliance includes local, private, and public facilities. In addition, we believe that in addition to adequate legislation, that the regulations promulgated under any such State legislation must be adequate and that those regulations should be reviewed by OJJDP to make certain that adequate inspection processes are maintained for compliance.

Too many times, States have sought to maintain their eligibility for Federal programs by passing the costs of compliance on to local governments. It would be a disaster both for the purposes of the act and for the Nation's youth if States saw this provision as a loophole through which they could maintain compliance with the act, while forcing their local governments to house status offenders in their secure facilities.

STATE SUBSIDIES

As the members of the subcommittee are well aware, NACO has long favored amendments to the act which would create incentives for States to develop and implement financial incentive programs for units of local government to meet the goals of the act. A program of State subsidies, we believe, as a part of the Juvenile Justice Act would assist States and their local governments both financially and programmatically in taking concrete steps to reduce institutional commitments and to develop alternative programs.

The current act recognizes subsidies as an advanced practice in section 223(A)(10)(h). Your reauthorization proposal adds the use of subsidy in the use of special emphasis prevention and treatment programs and authorizes the use of reverted funds to implement the subsidy program. We commend you for your effort and basically we support it.

I have had the opportunity to participate as an advisory committee member for the academy for contemporary problems study which has looked at, among other issues, the extent to which juvenile justice and delinquency prevention subsidies are in effect today. NACO believed that such subsidies were limited in number and in scope, however, the academy's thorough research indicates that we were wrong. According to data which has not been published in final form, as of 1978, there were 57 juvenile justice subsidies in 30 States. Those subsidy programs had appropriations of $166 million. Incidentally, these programs do not cover new subsidy programs in Wisconsin and Oregon. Half of the subsidy programs have come into existence since the passage of the Juvenile Justice and Delinquency Prevention Act in 1974.

Some important findings of the academy's study are:

Most juvenile justice subsidies initiated during the last 15 years (and still in existence) have been directed toward community services development and alternative, noninstitutional placements.

The development of State subsidies coincides closely with the initiation of Federal grant-in-aid programs.

A growing number of subsidies are requiring that comprehensive community plans and local advisory councils be developed.

A large number of diverse, community-based services for local juvenile delinquency prevention and control have come into existency with support from State subsidies.

Most services funded through subsidies are directed toward preventive and habilitative efforts.

Virtually all State subsidies are authorized through statutes.

An example of the kind of program which a subsidy component to the act could seek to fund is the New York youth aid bill. Adopted in 1974, the subsidy program receives $23 million in State funds which is matched by at least a similar amount from New York's counties. All but several of the smallest counties participate in the program.

In my county of Rensselaer, we are eligible for approximately $300,000 from the State. The State's share is made available on a $4.50 per child under the age of 21 basis. The county and other sources of funding match the State's money. A countywide planning body representing municipalities, private citizens and private agencies along with the county's department for youth develops a comprehensive plan which defines the needs, examines the resources, sets the priorities to meet the needs and directs the funds to those agencies which can best meet the needs. We rely upon private agencies to run programs.

The Rensselaer County department for youth provides technical assistance, and ongoing monitoring and evaluation of programs and continuously updates the needs assessment to prepare for next year's planning process.

Larger municipalities have developed youth bureaus while smaller townsand villages have set up volunteer youth commissions. Depending upon the need, they have hired full- or part-time directors to administer programs.

An additional benefit to the county is that we gain access to other sources of funding to carry out needed programs. The county sponsors the Federal summer food program, youth conservation corps, bicycle safety program and the probation employment program among others. As you can see the State subsidy funds have permitted us to construct a youth service system which in turn attracts other funds to run needed programs.

If the committee intends to adopt language to the act to require or to provide incentives for the removal of children from adult jails, then I urge you to examine the subsidy programs currently operating in 30 States, providing 2½ times the amount of funds to State and local governments than the current formula grant program of the Juvenile Justice Act, to see if those subsidy programs could be useful in removing children from adult jails as well as reducing the use of large, secure institutions for juveniles in most situations.

CONCLUSION

Beyond these specifics however, we must ask, what is our national policy toward youth? What do we hope to accomplish with and for them? What rights do they have? What are their privileges and immunities which we in the adult world take for granted?

Until we answer these questions, and I know they cannot be answered today, and until we make the commitment to implement realistic solutions when we find answers, all the Federal coordinating councils and offices of juvenile justice and delinquency prevention, all the national advisory committees and State advisory groups which we can create to assist troubled youth will not answer the problems of youth in our society. I pose these problems to you in the hope that Congress through this and other committees concerned with the problems of our young people will help us answer these problems.

As the policy of the National Association of Counties states: "The primary responsibility for ensuring the comprehensive delivery of service to control and prevent juventile delinquency resides with local government." We recognize it is our responsibility. However, we need to create partnerships for change, partnerships in which the Federal Government, State governments, and local governments along with private agencies and lay citizens create first the climate where better programs for youth can be developed and secondly those programs and services which will assist the Nation's young people to develop as full, creative and productive members of this society. That is my hope in being here today. I thank you.

COUNTIES AND THE JUVENILE JUSTICE ACT: SOME EXAMPLES

Since 1977, more than 50 achievement awards have been given to counties which have shown progressive developments in services to youth, especially in the area of juvenile justice and delinquency prevention. Programs in family and youth counseling, supervised release, centralization of youth services, nonsecure detention, community alternatives, school-based programs and diversion services, to name a few, demonstrate the leadership role local governments have assumed to control and prevent delinquency. These programs, many of which were started with the help of, and continue to receive, LEAA funds, have significantly decreased the number of youth who come in contact with the juvenile justice system while increasing the delivery, coordination and cost effectiveness of services.

The following are but a few examples of successful programs:

San Mateo County, California, has established a network of youth service bureaus which provide 24-hour, 7-day a week response capability, individual and family counseling, tutoring, and recreational and youth employment activities. The bureaus receive funding and participation from the local cities and police departments, schools, private agencies, and the county probation department.

In Fiscal Year 1979–80, of the over $600,000 spent for six programs in the county, over 60 percent of those funds were from the county, with about 20 percent from LEAA, via the San Mateo Criminal Justice Council, and the other 20 percent from schools, cities, private agencies, and the United Way.

In 1977, 1,979 cases were referred to Youth Service Bureaus. In 1979, 2,946 cases were referred. Of those, 1,452 had been referred by police and/or probation officers, had had arrest reports filed, and were formally diverted. Approximately 1,500 were cases from schools, parents, self-referrals, and police and probation officers who had not filed an arrest report.

The total new referrals to the probation department, as compared to the base mean from the years 1972–74, showed a reduction of 652 cases, thus saving over $403,000, which was reimbursed to the programs.

The Montgomery County, Maryland, Health Department administers a program for status offenders and their families outside the juvenile justice system. The project, called PACT: Parents and Children Together, features a specialized intake, screening and referral unit to process all status offender complaints, and contracts, with careful followup, for services with private non-profit community agencies.

In 1979, the average cost for disposition of a case was $383 for PACT vs. $669 for the traditional system These figures do not even include the cost of treatment after disposition. Seeing 550 youth, the county saved $157,300 in 1979.

For the past three years, the program has received 90 percent of its funds from an LEAA grant, 6½ percent from the county, and 3½ percent from the state. As of July 1, 1980, the county will assume 100 percent funding of the program.

In St. Louis County, Missouri, the Community Alternative Project for Predelinquent youth (CAPPY) served 863 high risk students in fiscal year 1979 in targeted junior and senior high schools throughout the county. Through structured classroom workshops, outdoor adventure activities, counseling and career exploration seminars, 72 percent of the participants had a decrease in anti-social and other behaviors which caused them to be labeled "predelinquent." This 72 percent was 12 percent above the goal for the year. Eighty-one percent of the participants got into no further trouble that year.

The development of a strong partnership between the county and the public school system is evidenced by a 73 percent return rate on a survey of all secondary schools on drug and alcohol policies. In its third year of an LEAA grant, the county has shown its commitment to the program by providing a 32 percent match, with a 50 percent match expected next year.

In Camden County, New Jersey, the Juvenile Resource Center was set up to provide comprehensive services under one roof. A youngster must be referred by the courts or another agency dealing with the case. After he or she is admitted and evaluated for educational, vocational and social skills and needs, a personalized program is developed.

The 160 young people enrolled during the first year had committed 518 crimes in the year prior to their enrollment. The cost to taxpayers for court, processing, probation, residential and nonresidential treatment and facilities was just under $1 million, not including the cost of property damaged or destroyed or increased insurance rates.

After one year in the program, the same group of 160 had committed only 18 minor offenses, as compared to the 518 major and minor crimes in the previous year. They had obtained 20 Graduate Equivalent Degrees (GED's) (10 more were completed one month later), and had obtained 70 jobs, earning and paying taxes on $135,000.

The program is funded by the Camden County Employment and Training Center, the State Law Enforcement Planning Agency, and State Manpower Services Council. The total cost of the program for the pilot year was $304,628, a savings of almost $700,000.

The Community Arbitration Project is Anne Arundel County, Maryland, which has been deemed an exemplary project by LEAA, alleviates the burdens on the juvenile court through timely informal hearings. In the first 2 years of the program, 4,233 youths went through the program. Nearly half of their cases were adjudicated informally; only 8 percent were referred to the State's Attorney. The recidivism rate for clients of the program was 4.5 percent lower than that for clients of the traditional system.

In Bucks County, Pennsylvania, only 6 percent of the 982 intake cases penetrated the juvenile justice system. 1,122 referrals to more than 100 youth serving agencies in the county were made on these 982 intakes. 20,000 phone calls, to insure that the services were suitable are being provided, followed the referrals.

It costs $2 a day to treat a youth in the Youth Diversion Program. Treatment in nonsecure residential facilities averages $35 a day. Treatment in secure facilities averages over $100 a day. Without court, processing, and probation costs, the program saves $33 to more than $98 a day for each youth. Many cases are referred to private agencies, so in these cases, the savings are even greater to the local taxpayer.

In its third year of funding from the Pennsylvania Commission on Crime and Delinquency, the program receives 10 percent of its funds from the county, and expects to have that percentage increased next year.

These programs and many others, run by private and public agencies and organizations, demonstrate the efforts and commitment of local governments to advance the spirit of the act: to deinstitutionalize status offenders, to keep offenders in the community and families intact; to involve the school, as the major youth serving agency outside of the family; to limit involvement with the juvenile justice system; to coordinate with other agencies and units of government; to develop cost effective and viable alternatives to traditional systems; and to prevent delinquency. Local communities view these programs as their own, in that they have direct involvement and participation in the operation, services, and objectives of them.

STATEMENT OF JAMES E. GIRZONE, COMMISSIONER FOR THE RENSSELAER DEPARTMENT FOR YOUTH, RENSSELAER COUNTY, TROY, N.Y., AND FOR THE NATIONAL ASSOCIATION OF COUNTIES

Mr. GIRZONE. Thank you, Mr. Chairman and members of the committee.

The National Association of Counties thanks you for the opportunity to testify before you. We submitted our formal statement earlier. I would just like to highlight some of the features of the statement.

I am here not only as commissioner of the Department for Youth in Rensselaer County in New York, but also as a member of the National Association of Counties' Criminal Justice and Public Safety Steering Committee. I am here to present the steering committee's views on H.R. 6704, the Juvenile Justice Amendments for 1980, and to extend our support for reauthorization.

In our formal statement, we refer to LEAA and the necessary appropriations. I will not go into it here, but I would like to state at this time that it is our feeling that OJJDP can most effectively carry out its mandates under the Juvenile Justice Act and amendments. The National Association of Counties recommends that the Office of Juvenile Justice and Delinquency Prevention be established as an independent agency under the authority of the Attorney General. Therefore, we urge you to adopt those provisions of H.R. 6074 which give OJJDP the same status as the Law Enforcement Assistance Administration, the National Institute of Justice, and the Bureau of Justice Statistic.

In relation to the Federal Coordinating Council, it seems that the dismal record of the Coordinating Council, established by the Juvenile Justice and Delinquency Prevention Act, supports the need for a strong lead agency. OJJDP, as part of LEAA, was intended to coordinate the activity of other Federal agencies with respect to Federal Juvenile Justice and Delinquency Prevention activities. An interagency coordinating council was established and given the power to waive regulations and guidelines to facilitate interagency projects. All of these provisions are solid and sensible, but what happened? After 3 years of dormancy, the Coordinating Council began to meet regularly only in the past year and a half.

For the first time ever, the Council has a work plan and is seeking a staff contract to assure that the Council has the capacity to chart its own mission. Six years have gone by and the Council cannot yet claim it has had an impact on any Federal effort relating to juvenile justice or delinquency prevention.

In the area of subsidies, as members of the subcommittee are well aware, NACO has long favored amendments to the act which would create incentives to the States to develop and implement programs for local government to meet the needs and goals of the act. A program of State subsidies, we believe, as part of the Juvenile Justice Act would assist States and their local governments both financially and programmatically to take concrete steps to reduce institutional placement and develop alternative programs.

The current act recognizes subsidies as an advance practice in section 233(a)(10)(H). Your reauthorization proposal adds the use of a subsidy in the use of special emphasis prevention and treatment programs and authorizes the use of reverted funds to implement the subsidy program. We commend you for your effort and basically we support it. We do, however, have some recommendations that will substantially strengthen your subsidy provision.

In section 233(a)(10)(H), retain the three eligible activities in the present act and add another activity to your list. To focus attention on the delinquency prevention mandate of the act, add "prevents delinquency through a broad range of community-based youth development and diversion activities."

These seven activities should also be included under 224(a)(5).

I have had the opportunity to participate as an advisory committee member for the Academy for Contemporary Problems study which has looked at, among other issues, the extent to which Juvenile Justice and Delinquency Prevention subsidies are in effect today. NACO believed that such subsidies were limited in number and scope. However, the academy's thorough research indicates that we were wrong. According to data which has not been published in final form, as of 1978, there were 57 juvenile justice subsidies in 30 States. Those subsidy programs had appropriations of $166 million. Incidentally, these programs do not cover new subsidy programs in Wisconsin and Oregon. Half of the subsidy programs have come into existence since the passage of the Juvenile Justice and Delinquency Prevention Act in 1974.

Some important findings of the academy's study are that most juvenile justice subsidies initiated during the last 15 years, and still in existence, have been directed toward community services development and alternative, noninstitutional placements.

Further, the development of State subsidies coincides closely with the initiation of Federal grant-in-aid programs.

A growing number of subsidies are requiring that comprehensive community plans and local advisory councils be developed.

A large number of diverse community-based services for local juvenile delinquency prevention and control have come into existence with support from State subsidies.

Most services funded through subsidies are directed toward preventive and rehabilitative efforts.

Virtually all State subsidies are authorized through statutes.

An example of the kind of program which a subsidy component could seek to fund is the New York youth aid bill. Adopted in 1974, the subsidy program received $23 million in State funds, which is matched by at least a similar amount from New York counties. All but several of the smallest counties participate in the program. In my county of Rensselaer, we are eligible for in excess of $300,000 from the State.

The State's share is made available on a $4.50 per capita formula for the under-21 age population. The county and other sources of funding match the State's money. A countywide planning body representing municipalities, private citizens, private agencies along with the county's Department for Youth developed a comprehensive plan which defines the needs, examines the resources, sets the priorities to meet the needs, and directs the funds to those agencies which can best meet those needs.

We rely on private agencies to run the programs. We believe that private agencies should remain the primary service providers to which our county directs about 95 percent of its funds. The Rensselaer County Department for Youth provides technical assistance for an ongoing monitoring and evaluation of programs and continuously updates the needs assessment to prepare for next year's planning process.

Larger municipalities within the country have developed youth bureaus while smaller towns and villages have set up voluntary youth commissions. Depending on need, they have hired full- or part-time directors to administer programs.

An additional benefit to the county is that we gain access to other sources of funding to carry out needed programs. The county sponsors the Federal summer food program, youth conservation corps, bicycle safety program, and the probation employment program, among others. As you can see, the State subsidy funds have permitted us to construct a youth service system which in turn attracts other funds to run needed programs.

If the committee intends to adopt language to the act to require or to provide incentives for the removal of children from adult jails, then I urge you to examine the subsidy programs currently operating in 30 States, providing 2½ times the amount of funds to State and local governments than the current formula grant program of the Juvenile Justice Act, to see if those subsidy programs could be useful in removing children from adult jails as well as reducing the use of large, secure institutions for juveniles in most situations

Beyond these specifics, however, we must ask, what is our national policy toward youth? What do we hope to accomplish with and for them? What rights do they have? What are their privileges and immunities, which we in the adult world take for granted? Until we answer these questions—and I know they cannot be answered today—and until we make the commitment to implement realistic solutions when we find answers, all the Federal Coordinating Councils and Offices of Juvenile Justice and Delinquency Prevention, all the National Advisory Committees and State advisory groups which we can create to assist troubled youth will not answer the problems of youth in our society.

I pose these problems to you in the hope that Congress, through this and other committees concerned with the problems of our young people, will help us answer these problems.

As the policy of the National Association of Counties states: "The primary responsibility for ensuring the comprehensive delivery of services to control and prevent juvenile delinquency resides with local government." We recognize it is our responsibility. However, we need to create partnerships for change, partnerships in which the Federal Government, State governments, and local governments, along with private agencies and lay citizens, create first the climate where better programs for youth can be developed, and second, those programs and services which will assist the Nation's young people to develop as full, creative, and productive members of this society. That is my hope in being here.

I thank you.

Mr. **Andrews**. Very good.

Next we are privileged to have Judge John R. Milligan, judge, family court, Canton, Ohio.

[Prepared testimony of Hon. John R. Milligan follows:]

PROPOSED AMENDMENTS AND POSITION PAPER OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

ATTACHMENTS

A. Resolution of National Council of Juvenile & Family Court Judges, adopted at Monterey in July of 1979, dealing with "least restrictive standard", etc.

B. Resolution of National Council of Juvenile & Family Court Judges, adopted at Monterey in July of 1979, dealing with NIJJ.

C. Resolution of the National Juvenile Court Services Association, July 18, 1979.

D. Letter from Judge Frederica S. Brenneman, Superior Court, Connecticut.

E. Letter from Judge G. Ross Bell, Family Court of Jefferson County, Birmingham, Alabama.

F. Letter from Judge Robert L. Lowry, Family Court, Houston, Texas.

G. Letter from Judge Eugene Arthur Moore, Probate Court, Oakland County, Michigan.

H. Letter from Judge Thomas K. Milligan, Montgomery Circuit Court, Crawfordsville, Indiana.

I. Letter from Judge Richard Kneip, Circuit Court, Rapid City, South Dakota.

J. Letter from Judge John S. Milliken, Jr., Jefferson District Court, Louisville, Kentucky.

K. Letter from Judge John P. McGury, Juvenile Division, Chicago, Illinois.

L. Letter from Judge Peter S. Smith, Presiding Judge, Juvenile Court, Los Angeles, California.

I. PROPOSAL

The National Council of Juvenile and Family Court Judges respectfully submit that Four Amendments must be made in the Juvenile Justice Act if it is to be a viable, creative force in the 1980's.

NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

AMENDMENT NO. 1

Proposed amendment to the Juvenile Justice and Delinquency Prevention Act of 1974, amended 1977.

Goal and effect of amendment:

To require juvenile courts to use the least restrictive option consistent with treatment needs of the child and his family.

Sec. 223(a). In order to receive formula grants under this part, a state shall submit a plan . . . . Such plan must—. . . .

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult . . . *shall be placed in the least restrictive alternative appropriate to the treatment needs of the child and his family;* and that such non-offenders as dependent or neglected children shall not be placed in juvenile detention or correctional facilities; and . . . .

AMENDMENT NO. 2

Proposed amendment to the Juvenile Justice and Delinquency Prevention Act of 1974.

Goal and effect of amendment:

To provide for special emphasis on serious delinquency.

Sec. 223(a) In order to receive formula grants under this part, a state shall submit a plan . . . Such plan must—. . . .

(10) provide that . . . funds . . . shall be used for advanced techniques. . . . These advanced techniques include—. . . .

(J) special programs providing intensive services for the serious or chronic delinquent offender.

AMENDMENT NO. 3

Proposed amendment to the Juvenile Justice and Delinquency Prevention Act of 1974.

Goal and effect of amendment:

To more clearly define "juvenile detention and correctional facilities."

Sec. 103. For purposes of this Act—. . . .

(12) the terms "*juvenile detention and* correctional institution or facility" means any *secure public or private residential* place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and . . . .

AMENDMENT NO. 4

Proposed amendment to the Juvenile Justice and Delinquency Prevention Act of 1974.

Goal and effect of amendment:

To define "secure facility".

Sec. 103. For purposes of this Act—. . . .

(14) the term "security facility" means one that relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

II. FINDINGS AND PURPOSES OF THE ACT—A NOBLE INITIATIVE

An examination of the Findings and the Purposes of the Act (Secs. 101 and 102) reveals that the legitimate concern of the Congress was that serious juvenile crime is a national problem; that the traditional Juvenile Justice System has been so overburdened that it is unable to provide "individualized justice of effective help"; that inadequate facilities and programs for neglected and dependent children may lead to delinquency; that youth drug problems are inadequate. Congress further found that delinquency can be prevented by programs that keep students in school and that arbitrary suspensions and expulsions are counter-productive.

Correctly labeling the problem addressed by the Act as a "growing threat to the national welfare", Congress determined to provide an initiative to assist states in dealing with the "crisis in delinquency".

Juvenile Judges around the nation applaud the attention directed to the task of administering juvenile justice without adequate resources and options to deal creatively and effectively with each child in trouble, and his family.

Congress then determined the purposes of the initiative and focused upon providing resources, leadership, and coordination to develop and implement effective methods of preventing and reducing juvenile delinquency, preventing delinquency, diverting juveniles from the traditional Juvenile Justice System, and providing critically-needed alternatives to institutionalization. Research was to be provided.

Again, the Juvenile Judges applaud these laudable purposes.

III. J.J.D.P.A.—POSITIVE IMPACT ON JUVENILE JUDGES

Training of Judges. One of the most significant contributions of the Congress, through the Act, has been the provision of significant training and experiences for Juvenile Court Judges. Over 4,000 different Juvenile Court Judges, representing virtually every state in the nation, have benefited from training programs made available by the National Council of Juvenile and Family Court Judges. These programs have been funded, in large part by the L.E.A.A. and the Office of Juvenile Justice.

Changed attitudes.—Over the last 10 years—and particularly since the adoption of the Juvenile Justice Act—there has been a substantial change in the posture and position of most Juvenile Judges and Juvenile Courts. A healthy, increased awareness of the Juvenile Court's responsibility to use the least restrictive option available in each case, consistent with the treatment needs of the Juvenile and his family, and the public safety, has developed.

With help and encouragement from OJJDP, Juvenile Courts have greatly expanded the use of diversion and specific-treatment related intervention. The use of coercion has been minimized.

Alternatives.—The Act has facilitated the provision of much-needed alternatives in the Juvenile Justice System.

IV. WHAT PROVISIONS NEED CHANGE? (FOUR AMENDMENTS SUBMITTED)

A. *The "bottom-line authority"—100 percent deinstitutionalization.*

Does Congress intend that every child have the ultimate right, at any age, to decide for himself whether he will (1) continue to run away from home; (2) go to school; (3) consume alcohol; or (4) violate legitimate court orders?

1. *O.J.J.D.P. says "yes"*

As currently interpreted by O.J.J.D.P., the answer is a clear "yes". The trade jargon for such youth is "status offender". A youth who does not violate an adult criminal law continues to be a "status offender", no matter how often he runs away from home or other placement, or is continually truant from school.

2. *Impact on States*

As currently drafted, the Juvenile Justice Act (Sec. 223(a) (12) (A)) prohibits each state—and its Juvenile Courts—from placement of a status offender in a juvenile detention home or correctional facility—no matter what the treatment need of the child or the program of the facility.

States were granted a 3-year grace period in the 1977 Reauthorization, which can be extended an additional 2 years if the state reached 75% compliance within the 3 years. (Sec. 223(c)). Three states—Oregon, Ohio, and Indiana—have been found to be out of 75% compliance, and their funds have been impounded by OJJDP.

Definition of "detention" and "correctional facility".—Although the definition problem is discussed later in the paper, it is important to note that after considerable convolution, OJJDP now defines a "detention or correction facility" as "(a) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders; or (b) Any public or private facility, secure or nonsecure, which is also used for the lawful custody of accused or convicted adult criminal offenders." (See L.E.A.A. State Planning Agency Grants Guideline Manual, M 4100.1F, Chapter 3, Paragraph 52n(2), as amended. See Vol. 44, No. 125, Federal Register, Wednesday, June 27, 1979, Pg. 37578.)

Definition of "secure".—OJJDP has preserved the much-criticized definition of "secure", and defines "secure" as: "One which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility; or which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents." (See note in Federal Register, ante, at Page 37579).

Twenty four-hour exclusion.—Secure detention up to 24 hours is considered a "deminimus violation" by OJJDP.

The frustrating reality of all of this for the states, their Juvenile Justice Systems, persons dealing in the delivery of services (such as schools), and parents whose children have repeatedly truanted from home or school, is that if a state is to continue to participate in the current Juvenile Justice Act, it must never hold such a child in secure custody for more than 24 hours anymore.

Horror stories of chronic runaways who have been abused, raped, prostituted, and sometimes murdered (Ex: the "Minnesota Connection" in New York; the *Gacy* case in Illinois; CBS's Ft. Lauderdale homosexual revelations; and Texas homosexual murders) should underscore the need for some ultimate, bottom-line authority over such youth.

3. *Judges say there is a better way*

The Juvenile Court should be required to always use the least restrictive dispositional option consistent with the treatment needs of the child and his family, when dealing with status offenders. He should be provided with an advocate in any situation where his liberty is denied, and the use of state training schools should be avoided.

If the evil sought to be corrected by the Juvenile Justice Act was the commitment of runaway children to far-away state training schools (not the prohibition against use of any restraint at any time), then the following recommended change in the Act would also serve Congress' purpose.

The following Amendment is necessary, if Congress is to encourage continued participation in the Act by states and implementation of its stated purposes:

"Sec. 223(a). In order to receive formula grants under this part, a state shall submit a plan. . . . Such plan must— . . . (12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult . . . shall be placed in the least restrictive alternative appropriate to the treatment needs of the child and his family; and that such non-offenders as dependent or neglected children shall not be placed in juvenile detention or correctional facilities; and . . . ."

B. The serious juvenile offender

Consistent with the Findings and Purposes of the Act, the situation demands that Congress address the issue of the serious chronic, or dangerous juvenile offender.

While the Office of Juvenile Justice has been consumed with the issue of the status offender (discussed above), vain little has been done about serious juvenile delinquency; however, many of the states have reacted with a curious cadre of laws designed to "crack down" on delinquency. As it relates to the Juvenile Justice Act, the "law of unintended consequences" has been at work. Many states, faced with the mandates of the Act and public concern and anxiety about serious juvenile crime, have circumvented the intent of the Act (to treat children differently than adults) by harsh legislation. For example, some states have lowered the majority to 16 or lower; some have provided for automatic trial and conviction and sentencing to adult prisions for certain kinds of offenses, regardless of age; some have given the local prosecutor the discretion to try a juvenile as an adult; some have commingled young adults and juveniles in correctional facilities.

The National Council of Juvenile and Family Court Judges supports the adoption of a special emphasis to deal with serious offenders. (See Amendment No. 2, att'd, Pg. 3)

C. Definition—"detention and correctional facilities"

The definition in the Act that has caused the most consternation throughout the country is "juvenile detention and correctional facilities". We propose clarifying the definition to limit it to "secure" and expand it to "private" as well as "public" residential facilities. (See Amendment No. 3, attached, Pg. 4)

D. Definition—"secure facility"

The current definition of OJJDP, as previously indicated, has created considerable controversy and misunderstanding. The bureaucratic effort to include psychological security, as well as physical security, unduly limits treatment programs already in place around the country.

The National Council of Juvenile and Family Court Judges recommends that a new definition be added to the Act. (See Amendment No. 4, attached, Pg. 5)

V. OTHER ISSUES IN REAUTHORIZATION

The National Council of Juvenile and Family Court Judges has carefully considered a number of other issues involved in the reauthorization, and states the following positions:

A. Reauthorization?

Congress should reauthorize the Juvenile Justice Act.

B. Period of reauthorization?

We strongly urge the Congress to authorize the Juvenile Justice Act on a separate timetable than L.E.A.A.

Juvenile justice has been too long ignored and too little considered in the entire gamut of criminal justice. It deserves separate, independent consideration by the Congress.

C. Status of the Office of Juvenile Justice?

We strongly support the continuation of a separate identity for the Office of Juvenile Justice. On an organizational chart, this becomes a "fourth box". Any other organizational treatment of juvenile justice will jeopardize the separate, independent initiative needed, if the purposes of the Act are to be implemented.

D. Amount of appropriation?

The federal initiative suffers the same handicap found by Congress to exist within the several states—there have been, and are, inadequate fiscal resources devoted to the provision of adequate services to deal with children in trouble.

The "maintenance of effort" formula should be the minimum.

B. N.I.J.J.?

The National Institute for Juvenile Justice and Delinquency Prevention should remain in the Office of Juvenile Justice and Delinquency Prevention. (See RESOLUTION dealing with NIJJ, Attachment "B".) Data collection and research should also be in O.J.J.D.P.

VI. CONCLUSION

The federal initiative in juvenile justice is at a critical juncture. Much progress has been made. Much, much more remains to be done.

However, unless substantial changes are made in the Act, as indicated above, many states will be impelled to withdraw from participation. The victims of such action will be the very children and families the Congress intended to serve.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

(Unanimously Adopted by the National Council of Juvenile and Family Court Judges at its Annual Meeting in Monterey, Calif., July 19, 1979).

Whereas, the Juvenile Justice and Delinquency Prevention Act of 1974 must be reviewed by the United States Congress in the 1979–80 session, and

Whereas, five (5) years of effort to implement the Act have resulted in only minimal achievement of the goals established; and

Whereas, the National Council supports the purposes of the Act, particularly the provisions of (1) technical assistance in developing and implementing juvenile delinquency programs; (2) training; (3) the establishment of centralized research and establishment of a national clearing house: and (4) provisions of resources to states and local communities designed to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and (5) provisions of resources to states and local communities to deal with the problems of runaway youth; and

Whereas, the modest funding of the Act, coupled with the provisions requiring 100% deinstitutionalization of status offenders, has caused a disproportionate emphasis upon that issue to the prejudice of numerous other legitimate concerns of greater importance and significance in the administration of juvenile justice; and

Whereas, the goal of removing children from adult jails, lock-ups, and prisons has not been adequately addressed—and ought to be; and

Whereas, the issues and problems of the serious, dangerous, or chronic delinquent offender have not been addressed by the Office of Juvenile Justice in any significant manner consistent with their social and legal importance; and

Whereas, juvenile court intervention in each case should always have available for use the least restrictive dispositional options consistent with the treatment needs of the child, his or her family, and the public safety; now therefore be it

Resolved, That the National Council of Juvenile and Family Court Judges call upon the Congress of the United States to reform the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, by re-ordering its priorties and clarifying its purposes in the following respects:

(1) The separation of children from adults in jails and prisons should be the first priority of the Act;

(2) The federal government should assist in the provision of meaningful restraint options for juvenile courts in dealing with the serious, dangerous, or chronic juvenile offender;

(3) The federal government should assist in the development of regional and community-based programs, and secure and open facilities;

(4) Juvenile courts, as a condition of financial participation in the Act should be required to use the "least restrictive option available, consistent with treatment needs of the child and his family, and the safety of the community"; be it further

Resolved, That a copy of this Resolution be provided to the Administrator of LEAA, the Acting Associate Administrator of LEAA, each member of the Congress, and such other persons as have an interest in the administration of juvenile justice.

Adopted at Monterey, California, this 19th day of July, 1979.

CARL E. GUERNSEY,
President, National Council
of Juvenile and Family Court Judges.

RESOLUTION OF THE NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES

RESOLUTION NO. 3

Whereas, the currently proposed reorganization of the Law Enforcement Assistance Administration would severely limit the scope of the National Institute of Juvenile Justice in the Office of Juvenile Justice and Delinquency Prevention to "applied" research in the area of juvenile delinquency; and

Whereas, under the guise of reorganization, "basic" research into the causes of juvenile delinquency would be transferred to the National Institute of Law Enforcement and Criminal Justice where the necessary resources will not necessarily be made available for such "basic" research; and

Whereas, a clear distinction cannot be made between "basic" and "applied" research; and

Whereas, the research arm of the National Council of Juvenile and Family Court Judges conducts "basic" research, much of which is currently supported in grants from the National Institute of Juvenile Justice and such support may be withdrawn upon a transfer of this capacity; and

Whereas, the National Council of Juvenile and Family Court Judges conducts training programs for judges with grants from the National Institute of Juvenile Justice, the limitation of the authority for "basic" research in the National Institute could diminish the capacity for supporting judicial education programs; now, therefore, be it

Resolved, That the National Council of Juvenile and Family Court Judges opposes any limitation, erosion or diminishing of the authority of the National Institute of Juvenile Justice to perform "basic" research in the area of juvenile delinquency.

RESOLUTION OF THE NATIONAL JUVENILE COURT SERVICES ASSOCIATION

Whereas, the Juvenile Justice and Delinquency Prevention Act of 1974 must be reviewed by the United States Congress in the 1979–80 session, and

Whereas, five (5) years of effort to implement the Act have resulted in only minimal achievement of the goals established, and

Whereas, the National Juvenile Court Services Association supports the purposes of the Act, particularly the provisions of (1) technical assistance in developing and implementing juvenile delinquency programs; (2) training; (3) the establishment of centralized research and establishment of a national clearing house; (4) provision of resources to states and local communities designed to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; and (5) to deal with the problems of runaway youth; and

Whereas, the modest funding of the Act, coupled with the provisions requiring 100 percent deinstitutionalization of status offenders, has caused a disproportionate emphasis upon that issue to the prejudice of numerous other legitimate concerns of greater importance and significance in the administration of juvenile justice, and

Whereas, the goal of removing children from adult jails, lock-ups, and prisons has not been adequately addressed—and ought to be, and

Whereas, the issues and problems of the serious, dangerous, or chronic delinquent offender have not been addressed by the Office of Juvenile Justice in any significant manner consistent with their social and legal importance, and

Whereas, juvenile court intervention in each case should always have available for use the least restrictive dispositional options consistent with the treatment needs of the child, his or her family, and the public safety, now therefore be it

Resolved, That the National Juvenile Court Services Association call upon the Congress of the United States to reform the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, by re-ordering its priorities and clarifying its purposes in the following respects:

1. The separation of children from adults in jails and prisons should be the first priority of the Act;
2. The federal government should assist in the provisions of meaningful restraint operations for juvenile courts in dealing with the serious, dangerous, or chronic juvenile offender;

3. The federal government should assist in the development of regional and community-based programs, and secure and open facilities;

4. Juvenile courts, as a condition of financial participation in the Act should be required to use the "least restrictive option available, consistent with treatment needs of the child and his or her family, and the safety of the community"; be it further

Resolved, That a copy of this Resolution be provided to the Administrator of LEAA, the Acting Associate Administrator of LEAA, each member of the Congress, and such other persons as have an interest in the administration of juvenile justice.

Adopted at Monterey, California, this 18th day of July, 1979.

Bill Anderson,
Secretary, National Juvenile Court Services Association.

State of Connecticut,
Superior Court,
Tolland Judicial District,
Connecticut, March 1, 1979.

Hon. John R. Milligan,
Judge, Family Court,
Canton, Ohio

Dear Jack: Sorry your letter of February 13, 1979, was so late in reaching me. It takes longer for a letter to travel from Hartford to Rockville, Connecticut, than it would to walk the twenty miles between.

I am enclosing a statement that I submitted to the Connecticut legislature a year ago in opposition to proposed legislation to remove status offense jurisdiction from the Juvenile Court. This year the proposal is to "deinstitutionalize" status offenders in accordance with John Rector's guidelines. The currently pending proposal, fruits of a two-year million-and-a-half dollar "Deinstitutionalization of Status Offenders" (D.S.O.) project, would do the following:

1. Eliminate all status offenses from the definition of delinquency but create a new category, "Family with Service Needs" (FWSN), encompassing families with children who commit these offenses. In processing and dispositional alternatives this is comparable to a neglect/dependency category, though the child, rather than the parents, is the focus.

2. Neither detention nor the state training school may be used for FWSN children. In other words, as in neglict commitments, there is no way such a child may be placed, even for twenty-four hours, involuntarily.

3. There is no way, either, that such a child may be held in any secure facility, even for a matter of hours.

In my opinion the result of this is the immediate emancipation of children at birth. If the court cannot detain, even briefly, to evaluate a situation, and if it cannot place a child against that child's will, there is no purpose served in retaining this jurisdiction. At best, the court could act as another social agency, making referrals, providing crisis services (where acceptable to the child) and generally acting as the child's advocate, but these functions are performed as well by community service agencies. What has distinguished juvenile court handling of such cases in the past has been legal muscle; whether used or not, there was the power to act in the child's life without his, or his parents' consent. Under the proposed DSO legislation, as under the other JJDP guidelines, the muscle is gone, and I do not feel use of the court's contempt powers is an adequate substitute for a real sanction, nor would it be acceptable to Washington.

To answer your four specific questions:

1. Connecticut today bars co-mingling of delinquents (up to 16th birthday) and adults, except in waiver cases. Proposed DSO legislation would forbid even twenty-four hour secure holding of status offenders. Having no crystal ball I cannot predict if the 1979 General Assembly will pass the bill or not. There is so much expressed concern over the unmanageable non-juvenile minor (e.g. the 16 and 17 year old) that I feel there is at least the possibility that Connecticut might tell Washington to keep its JJDP money as the price it is willing to pay in order to handle the acting-out non-criminal juvenile as it sees fit.

2. We have not changed the law in the last five years. We retain today our status offender jurisdiction with the same dispositional alternatives as are available for delinquents who commit criminal acts.

3. Runaways may be held in detention and, failing all dispositional alternatives, may be committed as delinquent to The Department of Children & Youth Services. While DCYS may handle these non-criminal delinquents differently, there is no legal impediment to placing them in Long Lane School, the single state training school for delinquent juveniles. It should be noted that by court rule and practice, detention and training school placement is sparingly used. For a population of three million, Connecticut has less than sixty detention beds and one hundred fifty beds in Long Lane for all delinquents, status and otherwise.

4. Glad you asked! When Congress reconsiders the J.D.P.A. I feel that the separation between criminal and non-criminal (status) delinquents should be erased. Both status and minor criminal offenders should be handled in the same way: Use of the least restrictive available alternatives but with involuntary and/or secure placement legally permissible upon a judge's written finding that other alternatives were not available. The proper separation should be between the violent/serious offender and all others. I agree that the runaway should not be treated alongside the rapist, but neither should the first-time shoplifter or even the joy rider. On a spectrum of 0 to 10, from least serious to most serious delinquency, the present division is between 0 and 1, between the "pure" runaway and the runaway who happens to go shoplifting or joyriding. I think this perverts the basic premise of a separate juvenile justice system. The proper division should be up around 8 or 9, to separate the troubled youth whose offenses are either status or minor in their impact on others, from the one who is a menace to the community and to other juveniles. I feel strongly about this and would welcome suggestions as to how this point of view might be conveyed to the Congress.

I hope this answers your questions and that your meeting with the Ohio Congressional Delegation is a fruitful one.

Very truly yours,

FREDERICA S. BRENNEMAN,
Judge.

FAMILY COURT OF JEFFERSON COUNTY,
Birmingham, Ala., February 21, 1979.

Hon. JOHN R. MILLIGAN,
Stark County Office Building,
Canton, Ohio

DEAR JACK: In response to your recent enquiry concerning the status of this state's efforts to de-institutionalize status offenders, I must admit that there is much doubt in my mind as to the ability of our state to meet the JDPA mandates.

At the present time the Alabama Department of Youth Services and the Alabama Department of Pensions and Security, who share responsibility for planning of status offenders when committed to their department, are making every effort to meet the mandate. It is my understanding that they are using group homes located in various sections of the state in which to house these young people. My personal knowledge of these group homes and their operating policies is limited, but I am informed that they are making every effort to comply as they are receiving Federal funding. Perhaps it would be best to explain the trials and tribulations of our court in dealing with the status offender so that you might have an accurate description.

In 1977, a newly enacted juvenile code took effect in our state. In this code there are provisions for Children in Need of Supervision (CHINS). It is provided that the CHINS shall not be housed in a secure facility. We were able to make other arrangements for the housing of our dependent children and convert that cottage into a CHINS Cottage. It is separate from our detention facility and is constructed as a non-secure and home-like cottage. It has a fenced-in play area and there are locks on the doors. We do use the locks, particularly at night, in order to keep people out rather than to detain the young people. We have a Title XX contract with various group homes in the community and we divert our CHINS to these group homes whenever possible. Since this contract is funded with Federal funds, the question has arisen as to whether we must remove the fence and door locks in order to satisfy the JDPA mandates.

We use the cottage when a petition has been filed concerning some CHINS who will not stay or fit in one of these group homes. Of course, we have a very difficult time working with these young people who are beyond the control of their parents, school and other authority figures in the community. When an individual becomes completely undisciplined, unruly and destructive, we will remove him from the others and place him in an isolation room for "time-out". Outside of our behavior modification program, this is the only means of discipline we use. As the children are taken to school or to the gym, they can and do run away from our staff. Naturally, this causes much concern and even hostility in the community and the child very often gets into further difficulty resulting from a delinquency petition being filed.

We do have a provision in our new code which reads as follows:

"No child found to be in need of supervision, unless also found to be delinquent, shall be committed to or placed in an institution or facility established for the care and rehabilitation of delinquent children unless the court finds upon a further hearing that the child is not amenable to treatment or rehabilitation under any prior disposition, or unless such child is again alleged to be a child in need of supervision and the court, after hearing, so finds."

We are reluctant to use this provision but there are times when all else seems hopeless and it is the only way of preventing the child from harming himself or others.

My main concern with recent Federal legislation has been the complete elimination of the juvenile courts from participating in the development of programs and use of funding to implement these programs in the area of juvenile prevention. The legislation is based upon the false assumption that the juvenile courts have completely failed in their mission, and, therefore, should be ignored in the planning and implementation of these programs. The programs that are implemented are done so by community agencies who are not a part of the juvenile courts. They, therefore, do not have the authority to restrict the undisciplined behavior of the status offender who has been brought to the attention of the court. There is an assumption that the child and his family will volunteer their complete cooperation. Unfortunately, this assumption also proves to be false in so many of these cases. There is also a lack of accountability to the judicial system by these agencies who are working with the child who has been declared in need of supervision. It is my belief that in order for any juvenile delinquency prevention program to be successful, there must be an involvement of the juvenile courts and it would appear that the only way to accomplish this would be a requirement in the legislation that a proportionate share of planning, program and funding be mandated for the juvenile courts.

I realize this is a very rambling letter and the longer it goes on, the more I would like to say. To bring it to a conclusion, I can only state that I feel the juvenile court has been in the role of a stepchild in the LEAA, and it is high time that it should be brought into the family and supported in fashion that will insure success in its work rather than being a self-fulfilling prophecy of doom by the planners.

Sincerely,

G. ROSS BELL.

HOUSTON, TEX., *February 22, 1979.*

Hon. JOHN R. MILLIGAN,
Judge, Family Court,
Canton, Ohio

DEAR JOHN: In reply to your letter dated February 13, 1979 regarding the Juvenile Justice Delinquency & Prevention Act, my comments are as follows:

Question No. 1

There may be isolated cases of non-conformance but, for the most part, Texas should meet the Juvenile Justice Delinquency & Prevention Act mandates by 1980. However, it may be very difficult for some of the rural areas which do not have the resources readily available. Here in Harris County, there has been no commingling of delinquents and adults for several years and, on rare occasion, a status offender may be held in secure detention beyond 24 hours if the parents refuse to take the child back into their home or cannot be located, there are no other placement resources available in the community, and his/her behavior is such that we believe him/her to be a danger to himself/herself.

Question No. 2

Our Juvenile Law was modified slightly in 1975 to require a detention hearing within 48 hours instead of 24 hours as originally enacted. We found, with the 24 hour deadline, that in many cases the parents could not be contacted and/or arrangements made to pick the child up from detention within that short time, even though we fully intended to release the child and take no further legal action, in many cases we were forced to file a petition on the child in order to have a place for him/her to sleep until the parents could come for the child. Then, we had the extra work of dismissing the petition. Thus, a child was brought into the Juvenile Justice System and a record was begun when such was not the intent or need. With the deadline extended to 48 hours, we find that in upwards of 98 percent of such cases, arrangements can be made and the child picked up by the parents without necessitating the filing (and later dismissing) of a petition we have no intention to pursue.

Legally, the status offender is still under the jurisdiction of the court; however, in Harris County we see this as more a community responsibility than a Juvenile Justice System responsibility. As a consequence, we are attempting to develop community resources for these children and divert them from the Juvenile Justice System.

Question No. 3

If a child runs away, he/she can be found to be a Child in Need of Supervision. His/her court orders will contain a provision not to leave the court placement without permission. If he/she continues to run away, that child can be found to be a delinquent child by virtue of the fact that he/she violated a court order. If he/she continues to run away, the court may consider placing the child in a more secure setting.

Question No. 4

More resources should be developed for status offenders which do not encourage continual acting out on the part of the child as a prerequisite for obtaining help. Instead of imposing arbitrary and, under some conditions, impossible deadlines, Juvenile Justice Delinquency & Prevention Act regulations should defer to State law when State law is in place and in conflict with the Juvenile Justice Delinquency & Prevention Act regulations. Sometimes these arbitrary deadlines and regulations bring about the very thing they were promulgated to eliminate.

If we can be of further assistance, please contact us.

Sincerely,

ROBERT L. LOWRY,
Judge, 313th District Court.

PROBATE COURT FOR THE COUNTY OF OAKLAND,
Pontiac, Mich., February 16, 1979.

Hon. JOHN R. MILLIGAN,
Stark County Office Building,
Canton, Ohio

DEAR JACK: I am enclosing material that describes our new Status Offenders Program that may be of interest to you. The State of Michigan does not fully meet the mandates of the Juvenile Justice Delinquency & Prevention Act to deinstitutionalize status offenders. Our success in this area is probably about 70 percent.

There has been legislation pending regarding the Juvenile Code in this state; however, nothing has been done to eliminate status offender jurisdiction.

Our last recourse for the habitual runaway is to detain that youngster in our secure detention facility. This is only done if it is absolutely necessary.

Hopefully when the Juvenile Justice Delinquency & Prevention Act is to be reconsidered, the Congress will make a special effort to be more realistic in the area of lock up for runaways. In other words, as a last resort, allow these runaways to be in a lock up facility for 10 days. Also, referral to private institutions should not be included.

If you have any questions about the enclosed material, please let me know.

Sincerely,

EUGENE ARTHUR MOORE,
Probate Judge.

MONTGOMERY CIRCUIT COURT,
Crawfordsville, Ind., February 20, 1978.

Hon. JOHN R. MILLIGAN,
Judge, Family Court,
Canton, Ohio

DEAR JACK: This is in response to your letter of February 13, 1979, regarding the Juvenile Delinquency and Prevention Act and "status offenders".

To follow your outline I would respond as follows:

(1) Indiana will not be able to meet the requirements to eliminate institutionalizing of status offenders by 1980. My opinion would be that there will be no commingling of delinquents and adults. Nearly every court has been able to make the necessary arrangements to accomplish this. However, there is a very strong feeling among juvenile judges that we neither could nor should eliminate the secure detention of status offenders beyond 24 hours. In addition, we do not have the facilities at hand for providing for those status offenders, if they would stay absent a lock.

(2) There was a substantial revision in the juvenile law last year (1978 Legislature). It was to be effective October 1, 1979, and it is being reviewed by our legislature presently in session. Who knows what will be the end product? Presently we have jurisdiction of status offenders and as far as I know, we will continue to have jurisdiction of them. We may be some what limited in the dispositional alternatives available to us.

(3) My bottomline coercive authority for runaways right now is jail.

(4) If Congress should reconsider the J.D.P.A. I would like for them to give us the authority to treat status offenders like any other offenders with the full range of alternative treatment and placement available. I really think the distinction is arbitrary and artificial. Our job is to help the kids regardless of how they come to our attention (e.g. whether running away or stealing something) and to do the job we need all possible options open and maybe a few options that are either impossible or haven't been thought up yet.

It was good to hear from you. I hope the above helps.

Very truly yours,

THOMAS K. MILLIGAN, *Judge.*

SEVENTH JUDICIAL CIRCUIT COURT,
Rapid City, S. Dak., October 24, 1977.

Hon. JOHN R. MILLIGAN,
Judge of Family Court,
Canton, Ohio

DEAR JUDGE MILLIGAN: I enclose a copy of the letter our Advisory Committee wrote to Governor Kneip concerning the South Dakota Criminal Justice Commission's withdrawal from the JJDPA Act.

It all really boils down to the fact South Dakota had an excellent record in the deinstitutionalization of status offenders prior to the Act. In the work of Rosemary Saari in the study of children and custody, South Dakota was one of the lowest States in the Union for institutionalization of juvenile offenders. Starting from such a low baseline, there was no way in the world that we could substantially deinstitutionalize all status offenders. Additionally, the Act called for, at the time, 100% compliance for a period of years. We just felt, in all honesty, there was no reason to participate under the Act, with those particular guidelines and therefore, chose to withdraw. If you have any questions, please don't hesitate to contact me.

MARSHALL YOUNG,
Circuit Court Judge.

COMMONWEALTH OF KENTUCKY,
JEFFERSON DISTRICT COURT,
Louisville, Ky., March 6, 1979.

Hon. JOHN R. MILLIGAN,
Judge, Stark County Family Court,
Canton, Ohio

DEAR JACK: I hope that the following information well be helpful in your presentation to the Ohio Congressional Delegation. As you well know, the JJDPA in which Kentucky is now a participating state, mandates us to deinstitutionalize status offenders. Unfortunately, in our state separation, as well as deinstitutionalization, must be undertaken, since only two (2) of our counties (out of 120) have separate juvenile detention facilities.

Our mandate for 1980 is 75%. Realistically we will probably not attain this goal in spite of significant efforts made in the past eighteen (18) months. Legislatively, numerous changes have been made in our Code over the past five years; however, the issue of retaining jurisdiction over status offenders has remained intact. At present, the coercive authority for runaway, truants, and beyond control children includes probation and institutional confinement, the latter obviously at variance with the principle and foundation of the JJDPA.

Short of withholding funding to states who do not take substantial measures to effect compliance, I do not feel that the ultimate goal of the JJDPA will be attained. State social service agencies which have primary responsibility for accomplishing the deinstitutionalization scheme will probably be more responsive to the cut-off of funding than the "voluntary" measures presently tolerated.

Sincerely,

JOHN S. MILLIKEN, Jr.,
Judge.

CIRCUIT COURT OF COOK COUNTY,
Chicago, Ill., March 21, 1979.

Hon. JOHN R. MILLIGAN,
Judge, Family Court,
Canton, Ohio

DEAR JACK: We will have great difficulty in obtaining shelter care (nonsecure) facilities for all status offenders by 1980. The Illinois Department of Children and Family Services has taken no concrete steps toward providing such a facility in Cook County.

We should be able to avoid commingling of delinquents and adults.

Our law has changed in providing for only shelter care for status offenders and not allowing a commitment to the Department of Corrections of a MINS who violates a court order.

We are at the mercy of IDCFS with respect to repeated runaways as they have adequate placement for only a small percent. We recycle runaways through the court again and again.

J.D.P.A. should mandate no changes unless the necessary funding is provided.

We have many repeat runaways who are held in our detention center pending a clinical examination. There should be an exception to the J.D.P.A. guidelines to provide for holding such a child up to 30 days for a clinical or other good reasons.

The children in question are often terrified when they realize that a judge has no more ability to control them than their parents.

The system discriminates against the poor who cannot get into hospitals, are refused admission by the Illinois Department of Mental Health and end up in an inadequate foster home and ultimately the street.

Sincerely,

JOHN P. MCGURY,
Acting Presiding Judge, Juvenile Division.

THE SUPERIOR COURT,
Los Angeles, Calif., June 7, 1977.

Hon. JOHN R. MILLIGAN,
Court of Common Pleas,
Canton, Ohio

DEAR JUDGE MILLIGAN: Judge Hogoboom has asked me to respond to your letter of June 1 regarding the above subject. Assemblyman Dixon has introduced AB 958, a copy of which is enclosed. This bill has passed the Assembly and is now pending in the Senate. We expect it to undergo some amending in the Senate and ultimately pass both Houses of the Legislature.

At the present time we are not sure whether or not the Governor will sign the bill. We have received word that he has expressed concern that the State will be ineligible for Federal funds under the provisions of the "Bayh Act." AB 958 has the support of the California Judges Association, law enforcement and most of the Probation Departments. Many of us feel that the issue of Federal funds is irrelevant and that the Federal Act should be amended to permit limited detention of status offenders.

AB 958 provides a maximum of 48 hours initial detention for all status offenders. The purpose of this section is to enable the police and probation officials to check for wants and warrants and to detain the minor long enough to reunite him with his parents. The second provision of the bill enables the court to enforce its own orders. Under existing law, there is no way you can effectively order a status offender not to leave a non-secure placement. I enclose for your perusal an excellent Opinion of our Court of Appeal on this subject authored by Justice Gardner. The Opinion is entitled *In re Ronald A. S.*

I personally do not believe that voluntary, non-coercive programming is effective unless the Juvenile Court has the ability to impose limited secure detention on minors.

I know nothing about the project known as "The Awakening Peace, Inc." The Family Crisis Intervention Program in Alameda County has been in operation for about two years. The only comment I can make about that program is that a long time Juvenile Court Judge in Alameda County by the name of John Purchio stated that he had been a long time adovcate of the institutionalization of status offenders until AB 3121 went into effect. I do not know whether or not we can imply from that that the Family Crisis Intervention Program has been successful or not. Judge Purchio has now changed his mind and is supporting AB 958.

If I can be of any further assistance, please do not hesitate to call on me.

Very truly yours,

PETER S. SMITH,
Presiding Judge,
Juvenile Court.

STATEMENT OF HON. JOHN R. MILLIGAN, JUDGE, FAMILY COURT, CANTON, OHIO

Judge MILLIGAN. When John Dean told me I had 5 minutes to tell you all I know about juvenile justice, Gordon Raley, who knows me better, said it wouldn't take me half that long, and it may be so. [Laughter.] I am here wearing three hats. One hat is as chairman of the Government Committee of the National Council of Juvenile Court Judges, representing over 2,500 judges in the juvenile courts around the country who are members of that association. Another hat that I wear is as a member of the State advisory group under the Juvenile Justice Act. I am a member of the Ohio SAG group. The hat that I wear that I suppose gives whatever integrity there is to the lifestyle I enjoy is as a juvenile court judge in a small town called Canton, Ohio, that is more famous for its professional football Hall of Fame than its juvenile court.

I want to say to you on behalf of the National Council that there are three things I think are significant as to the juvenile judges of this country. I think it is important, as you consider reauthorization, to at least give attention to these. The first one is that over 4,000 different juvenile judges around the country have received training since 1974 in programs that have been largely funded by Juvenile Justice. I believe this, together with the initiative of the Federal Government and a lot of other things that have happened, has really called the judges of this country into a new mind set. I know as a personal matter, my conscience and my consciousness of what goes on with these people who appear before me has, indeed, changed over the 20 years that I have been a juvenile judge and become increasingly bold in the task.

I think this is important. The judges that the act is dealing with today, administering the juvenile justice system, are a different set of judges in terms of their mind set and perspective today than they were a few years ago.

I think the final thing that is important is, thank God, somebody is finally listening. The judges have been screaming since the beginning of the juvenile court system that we needed additional alternatives and options to provide support and program for the efforts to rehabilitate and develop mature young people. You have been very helpful in those provisions.

Yes, we believe the act ought to be reauthorized. As you note, we support the 4-year reauthorization. We believe that it is essential that there be a separate workbox or identify for juvenile justice, else it will indeed get lost.

One point that was not made this morning but I would like to add, and additional reason for doing it is that in the Congress of the United States we also need a group like yours that has a special interest and special oversight of the administration of juvenile justice in this country. So we are very strong in our support of the proposition that the fourth box should indeed exist.

We do disagree with the recommendation of the proposal of the National Institute of Juvenile Justice and believe it should remain in Juvenile Justice. As a matter of fact, I think the impact that the Act has had on the training and on research in juvenile justice is certainly one of the most significant contributions. Where the rubber hits the road, my friends, is on the two mandates of the act discussed here this morning. It is at that point I guess that the hat that I wear as a juvenile judge struggling in a small county is the one that comes to the fore. You don't know me and you have no reason really to trust my integrity.

What I would really truly suggest and ask you to do is that sometime within the next few days encourage all the members of the subcommittee to get on the phone and call their juvenile judge. I am sure every Member of the Congress knows one or two judges who have juvenile jurisdiction in the area that they represent. Call them up and say something like this: Sam, how is it going? These juvenile judges in the National Association came down here and gave us a red booklet. In that booklet they made an incredible statement. They said that the effect of the Juvenile Justice Act as it now exists is to allow a child ultimately to decide for himself whether he will go to school, whether he will live at home, whether he will continue to run, run, run, away from home, or whether he will even obey orders of your court. The juvenile judges are making a statement like that. What do you think of that? Ask your juvenile judge that question in terms of whether that is the effect of the Juvenile Justice Act as a bottom line matter of authority and stand back and listen.

While you are talking to them, ask them what kind of impact the Federal initiative has had upon the separation of juveniles from adults in jails and lockup, again in their own jurisdiction, and again stand back and listen.

There are other ways of stating the dilemma that is created by the total absolute deinstitutionalization of chronic habitual runaways and school truants. Judge Brenneman from Rhode Island, in one of the letters attached to our statement, makes the interesting claim that is worth listening to, that the effect of the Juvenile Justice Act is to emancipate children at birth. Think about that one. Judge Steve Bach, I called the other day in Indiana. I don't know him. I said, "How are you getting along with the Juvenile Justice Act?" He said, "The problem with the act and its administration is that it treats children as little adults."

I guess that is worth thinking about too.

We have proposed in our amendment, No. 1, a different answer. We can continue the rancor that goes on with the parallel and costly systems that are being developed for dealing with status offenders and delinquent kids. We can perpetuate that kind of dilemma with all the rancor that goes with it. We believe, along with a lot of other groups over the years, that a better way for the Federal Government to mandate activity within the local States—you have heard from Ms. West and the problems they have in California, which are legitimate—is to adopt a standard that simply says that the juvenile judge in every court in this country as a matter of the exercise of bottom line authority shall always be required to use the least restrictive option consistent with the treatment needs of the juvenile and his family.

Thank you for the implication of concern for the family finally in the Juvenile Justice Act. We believe that that kind of standard can work. It is one that we unanimously approved in our convention in California last summer. It will solve an awful lot of problems in the administration of this act because they cannot in good conscience continue their participation. If the absolute 100 percent mandate of the act is not changed, it seems to many of us that the very people the act was intended to help are the ones who will be hurt most.

Thank you very much.

Mr. ANDREWS. Very good. That is a point of view we have not heard before. You mentioned some action that was taken at a national meeting.

Judge MILLIGAN. You will find that it is exhibit A in our statement, about halfway through the document. It is a resolution that deals not only with inverting the priorities—I think one of the important points that we would make, and I am sure one that Ms. West would make is, and a lot of other people have been saying, our preoccupation with the status offender and total 100 percent deinstitutionalization has really minimized our response in the area of getting kids out of jail. The National Council of Judges is saying, along with a lot of other people, let us reverse our priorities and let us get about that task because that is a task that we ought to be able to accomplish.

Mr. ANDREWS. We [illegible] will have a chance to call my judge or see him Saturday. I will certainly pose these questions to him. Thank you for posing them to us.

The fourth and last of this panel—this being a 20-minute panel that we started 35 minutes ago, is Mr. Lee M. Thomas, director, public safety programs in Columbia, S.C.

[Prepared testimony of Lee M. Thomas follows:]

PREPARED STATEMENT OF LEE M. THOMAS, DIRECTOR, DIVISION OF PUBLIC SAFETY PROGRAMS, STATE OF SOUTH CAROLINA

Mr. Chairman, and Distinguished Members of the Committee:

My name is Lee M. Thomas, and I am here representing the State of South Carolina as Director of the Division of Public Safety Programs in the Governor's

Office. This Division is the designated agency responsible for state planning efforts in the areas of criminal and juvenile justice and administers the Juvenile Justice and Delinquency Prevention Act in South Carolina.

I appreciate the opportunity to testify today about a subject which is particularly complex, i.e., Juvenile Justice and Delinquency. It is oftentimes difficult to resist the temptation of such adages as "Speak softly and carry a big stick". Punishment to the juvenile offender has too often in the past been administered without the critical ingredient of compassion. We must never forget that children, though oftentimes looking and sounding like grown ups, are still children and that fact must be a key consideration in any system dealing with them. Children have no vote; no real voice in changing the system. It is therefore up to us to look out for their interests. The youth of this nation must not be overlooked in establishing priorities for programs and resources to help and direct them during the crisis times of their lives.

Congress is to be commended for recognizing and acting on these needs in establishing the Juvenile Justice and Delinquency Prevention Act of 1974. Our treatment of status and non-status offenders has been greatly affected nationwide by the mandate of deinstitutionalization, and the process has produced many innovative and desirable changes in establishing youth programs and facilities which would meet these legislative requirements.

We in South Carolina, like our colleagues in other states, are vitally concerned with and urge approval of reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The proposed legislation (H.R. 6704) contains several amendments which we in South Carolina enthusiastically support. First, we endorse the merger of the National Institute for Juvenile Justice and Delinquency Prevention and the National Institute of Justice. Secondly, the amendment providing states with more flexibility in meeting the deinstitutionalization standard will allow and encourage greater participation in the program, thereby serving the needs of more juveniles than ever before; and thirdly, the amendment providing an alternative to the monitoring report will significantly reduce the administrative red tape which states have encountered in the past. Further, the opportunities afforded by the proposed legislation in dealing with the serious juvenile offender has too long been neglected, and Congress and this committee are to be commended for their diligence in seeking and offering remedies for this critical issue.

While we applaud the inclusion of the amendments I have just mentioned, an area of concern to us is the proposal to locate the Office of Juvenile Justice under the general authority of the Attorney General. At a time when states are confronted with a multitude of separate Federal administrative agencies, and consolidation and coordination is being urged on a national level by the President himself, it makes little sense to us that more effective service delivery of this program could be accomplished by adding yet another agency within the already overburdened Department of Justice. We further believe that program coordination and effectiveness would, in fact, be diminished by this move, and urge that you consider keeping the current organizational structure with a strong Administrator of OJJDP, working under the authority of the Adminsitrator of LEAA. This would ensure a coordinated effort at the Federal level in assisting states and localities in systems improvement and crime control.

Further, to ensure coordination at the state level, we wish this Committee to be made aware that as the state agency designated by our Governor to develop and implement South Carolina's criminal and juvenile justice plan, we feel all federally funded juvenile justice programs should be coordinated and administered through the state planning agency and that no program funding under the Act should be awarded directly to private non-profit agencies or local units of government. Only by maintaining a central coordination point for the administration of Federal and state funds can an effective comprehensive criminal and juvenile justice system be deveolped for each state. Additionally, through this coordination it is possible to maximize the impact of the limited resources under this Act by tying them to other state, Federal and local resources. Finally, I would propose that a more focused approach be developed for the use of funds administered at the OJJDP level by allocating these funds to the states for use in several national priority program areas. This would allow for the implementation of policy initiatives nationwide without the time consuming administrative process of competition currently used by the Office.

The Justice System Improvement Act should further be amended through the Juvenile Justice Act to insure that the "adequate assistance" provision which applies to courts and corrections should also apply to all components of the criminal justice system, including juvenile justice. Our problems and needs in the juvenile justice area in South Carolina might vary greatly from those same problems and needs in Florida, Tennessee, Wyoming, or other states. Our own needs in South Carolina might also vary from year-to-year, and states should have the necessary flexibility in allocating these funds as they are needed in lieu of categorizing that 19.15 percent be committed to juvenile justice and delinquency prevention programming.

I would further respectfully remind the Committee, Mr. Chairman, that rules, requirements, regulations, definitions and responsibilities pursuant to the Act are sometimes so tedious and time-consuming that full participation in the program by all states is sometimes impossible. The impact of such requirements on the states should be of primary concern, and the Office of Juvenile Justice and Delinquency Prevention should be directed to act with reasonable consideration and judgment in establishing these guidelines. Wherever possible, similar administrative provisions of the Justice System Improvement Act and the Juvenile Justice Act should be coordinated for conformity. Just as with the JSIA, the Juvenile Justice Act should be amended to require that the cost of federally funded projects be assumed after a reasonable length of time; OJJDP should be required to take action on state juvenile justice plans within a specified timeframe; and all civil rights provisions of the JSIA should be included in and fully incorporated into the Juvenile Justice Act as well.

Mr. Chairman, in conclusion, may I offer some quotes from an address recently delivered by South Carolina's Governor Richard W. Riley before the National Juvenile Justice Advisory Committee. "We in South Carolina are taking a long, hard look at ourselves in the area of juvenile justice, and not everything we see is particularly gratifying * * * emphasis must now be placed on prevention, parental responsibility, and justice * * * In seeking remedies for this critical issue, we, as government officials, must look beyond ourselves. We must not let the parent, the citizen, or the community abdicate their responsibility in this or any other public concern. Especially in the handling and care of our children, we must not confuse permissiveness with neglect or authority with abuse. We must know and understand the difference ourselves and teach it to our children by the most potent method of all, by example."

Mr. Chairman, I submit that our Federal government also bears a great responsibility to our troubled youth, and the Office of Juvenile Justice and Delinquency Prevention should take the initiative in achieving this goal by getting needed services down to the level where it would do the most good. Its first priority must still be to provide aid and assistance to children in trouble with the law. The way to do this is to make it possible for states to deal with their individual and varying problems in the funding and administration of juvenile programs in the most effective way possible. We urge you to help us make the needed changes in this legislation by your consideration of the proposals we have made here today. Thank you.

STATEMENT OF LEE M. THOMAS, DIRECTOR, DIVISION OF PUBLIC SAFETY PROGRAMS, COLUMBIA, S.C.

Mr. THOMAS. I heard you about the time. I will try to hit the high points. You have my written testimony. I am here today as director of the Division of Public Safety in the Governor's office of South Carolina. That is the agency that administers LEAA funds, as well as a variety of other duties.

We administer the Juvenile Justice Act. I am also chairman of the Criminal Justice Association, which is made up of Gordon Smith's counterparts around the country. I am speaking to you today primarily for the South Carolina system, so the points of view I espouse will be mine. I will indicate to you when they are association views. I appreciate the opportunity to be with you.

Our association and I as an individual think the Governors of this country have found that the Juvenile Justice Act is a very important act. It has had a tremendous impact at the State and local level. I can tell you, without that act in South Carolina, deinstitutionalization, the kind of efforts we have been able to bring to bear in dealing not only with the status offenders but with serious criminal offenders who are delinquents, as well as the issue of separation of adults and juveniles would not have come about. That would not have happened in South Carolina without that act. It provided the impetus. It provided some financial help, not nearly the amount that was required, but largely it provided the focus on problems that needed to be addressed in our State.

We are very strong supporters of that act and we are very strong supporters of the reauthorization of that act.

We appreciate also some of the provisions that you have included in your proposed House bill, particularly the provisions that we feel provide some more flexibility in implementation of that act, some of the things that have been mentioned earlier, which include somewhat of a recognition of State laws as far as monitoring is concerned.

One of the goals, we feel, of the act was to bring about policy change at the State and local level, policy change as far as detention of individuals, policy changes as far as dealing with status offenders. We feel that when States implement policy change through the enactment of law, that law should be recognized at a Federal level and there should be some relaxation as far as the kind of reporting requirement back to the Federal agency. We recognize in your bill some recognition of that and we appreciate it.

We do feel, however, there needs to be a separation between the requirement for deinstitutionalization of status offenders and the requirements for detention, separation of adults and juveniles. We would request that you take a look at that as far as the monitoring requirement.

Additionally I want to make a point on some of the earlier comments I heard this morning and that is that this act does a variety of things. One of the big things it does is that it promotes policy change. It has had a tremendous impact, as I have indicated, on State and local government. When we hear of a proposal such as the one made this morning by an individual from the Justice Department about taking juveniles from adult facilities at the detention stage, absolute requirement they should not be detained in adult facilities, I don't disagree with their philosphy, I don't disagree with their motivations, but I do request that those kinds of things be studied in depth so that we don't find ourselves actually working at cross-purposes with our philosophy. That would mean, for instance, in my State we would change the direction we set when this act was initially implemented in 1974 and 1975, and that is that we have been working steadily to implement the mandate of separation of juveniles and adults in our jails.

If we now are going to say we want to take them out of the jails, then in effect we are going to set up another system of juvenile detention centers which in our State would require significant amounts of money and may well cause us to lose the focus that we have been able to place on the critical issue in juvenile detention, which is whether the juvenile should be detained at all. In a majority of the cases, we find the juvenile does not need to be detained in security detention facilities.

Where we have separate juvenile detention facilities, there seems to be much more of an ability of a local official who is making the decision to detain him and detain him for an extended period of time. So, I would suggest that as we look at those kinds of things for inclusion in the act, we think through the impact and the implication and also we think about how consistent it is with the direction we have already set in motion by this act.

The final point I want to make is on the separate box issue that I heard a lot of discussion about. Our association, the National Governors Association, has talked nationwide and has discussed this with our counterparts around the country. We are consistent as far as the two associations are concerned. We don't feel there should be a separate box. We feel that the Administrator of OJJDP should be a strong administrator, given the authority to run it within the context of the LEAA structure. We feel that way because of the need to insure consistency between those two efforts.

One of the reasons that I apologize for being late at this panel today is that I am chairing a group of State officials today that is trying to come to grips with the recommended budget cuts in the LEAA program. I can tell you that that may well have a tremendous impact on juvenile justice and delinquency prevention in this country. We talked about the maintenance of effort provision of LEAA. If there is no money there to maintain that, it will mean any money appropriated under this act will no longer be available for implementation of juvenile justice programs, the initiative we talked about here, the initiatives we will talk about in the future.

We appreciate the opportunity to be here. We appreciate some of the things you have included in your bill. We look forward to continuing to work with you.

Mr. ANDREWS. Very good. This has been a very good panel. It looks like maybe this matter of the fourth is box going to be a very serious question. I am not sure that I quite understand all the implications of what you are saying. I know that we don't have the experience that you do.

Thank you for helping us get on the track and at least begin thinking about and searching for some practical solution. I assure you that we will make every effort to not only recall what you have said, but to review the statements and give them most serious consideration.

Thank you again.

Next are representatives of private nonprofit groups who are concerned with these matters. The first was to be Mr. Walter L. Smart, chairman of the National Collaboration for Youth and executive director of the National Federation of Settlements and Neighborhood Centers in New York City. I understand that Ms. Martha Bernstein, from Girls Clubs of America, will represent Mr. Smart.

Also with us is Dr. Ken Wyatt.

Ms. SMITH. I am Barbara Smith. I have been designated by Dr. Wyatt to appear in his stead.

Mr. ANDREWS. Ms. Bernstein, if you will proceed.

[Prepared testimony of Walter Smart follows:]

PREPARED TESTIMONY OF WALTER SMART, CHAIRMAN, NATIONAL COLLABORATION FOR YOUTH AND EXECUTIVE DIRECTOR, UNITED NEIGHBORHOOD CENTERS OF AMERICA

Mr. Chairman, it is a great pleasure for me to accept your invitation to testify here today on an issue of critical importance to the future of young Americans—the amendment and extension of the Juvenile Justice and Delinquency Prevention Act of 1974 through proposed legislation entitled "Juvenile Justice Amendments of 1980."

My name is Walter Smart. I am Chairman of the National Collaboration for Youth and Executive Director of United Neighborhood Centers of America. I am particularly pleased to speak on behalf of the Collaboration, which is composed of 13 national voluntary youth-serving organizations.

These organizations are: Big Brothers/Big Sisters of America; Boys' Clubs of America; Boy Scouts of America; Camp Fire, Inc.; 4-H Youth Programs; Future Homemakers of Ameirca, Inc.; Girls Clubs of America, Inc.; Girl Scouts of the U.S.A.; National Board of YMCAs; National Board, YWCA of the U.S.A.; the National Network, Services to Runaway Youth and Families; American Red Cross Youth Services; and United Neighborhood Centers of America, Inc. The National Collaboration for Youth is an affinity group of the National Assembly of National Voluntary Health and Social Welfare Organizations, a non-profit organization composed of 36 voluntary agencies.

These national youth-serving agencies reach over 30 million young Americans, with professional staff of 40,000 and services of over 6 million volunteers and the support of hundreds of thousands of concerned business, professional and community leaders. Our organizations collectively serve a diverse cross section of this nation's young people from rural and urban areas, from all income levels and from all ethnic, racial, religious, economic and social backgrounds. Our organizations represent valuable resources that can be tapped in cooperative ventures with federal leadership and funding. We have the experience in working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble, very real trouble.

These national voluntary youth-serving agencies formed the Collaboration in 1973 in recognition of the urgent need to speak collectively on the escalating delinquency crisis and its prevention. We were concerned about the quality of our juvenile justice system and the need for a voice on this issue for the youth-serving organizations that have the greatest first-hand experience in working with young Americans. Our National Executives and organization volunteer boards, and staff in local communities cope every day with delinquent and potentially delinquent youth and are all too familiar with the gaps in the way our society handles troublesome youngsters. School vandalism, dropping out of school, teen-age pregnancy, alcohol and drug abuse and rising delinquency rates are symptoms of the critical needs and lack of opportunities for our most alienated youth.

The Collaboration came together to express its concern that these troubled young people are frequently rejected by recreation, education and social systems and left to the streets, courts and, finally, detention and correctional systems. The national voluntary youth-serving organizations committed themselves to finding methods of preventing delinquency and handling youthful offenders, but recognized that there must be Federal government action if there was to be any real improvement in the methods for reducing delinquency and in the quality of the juvenile justice system.

The Collaboration worked with Senate and House committees to be sure that the Juvenile Justice and Delinquency Prevention Act from its inception would contain the principles necessary to assure effective public/private cooperation in the battle against juvenile crime. We accepted the responsibility of providing a voice at the Federal level for experienced youth-serving organizations and their constituents, the youth themselves. We committed ourselves to work not only for the passage of long-needed legislation for Federal leadership to prevent delinquency, but also to continue to work with the government on a day-to-day basis to assure meaningful administration of this program.

The Collaboration played a significant role in bringing together support for the Juvenile Justice and Delinquency Prevention Act of 1974 which contained the principles we felt were essential: (1) Federal leadership, (2) adequate funding,

(3) a National Institute, (4) National standards, (5) community-based prevention, diversion and treatment programs, and (6) private voluntary agency participation.

Recognizing the importance of private/public cooperation to help youth at risk, the members of the Collaboration today continue their commitment to the effective implementation of this landmark legislation, which provides Federal leadership for a comprehensive approach to the delinquency problem through a new coordinated prevention, diversion and community-based alternative program.

The member organizations of the Collaboration have worked closely with the Office of Juvenile Justice and Delinquency Prevention (OJJDP) since its establishment under the 1974 legislation. We have followed the many difficulties of the Office including the lack of adequate appropriations, the delay in appointments of senior staff and management, the lack of staff, a needlessly complex grant application process, and a lack of commitment to delinquency prevention programs and the utilization of multi-service private voluntary agencies, particularly at the state and local levels. An additional problem for the efficient implementation of the Juvenile Justice Act has been that the OJJDP has been dominated by the Law Enforcement Assistance Administration (LEAA) and its frequently inappropriate procedures and policies established for the Omnibus Crime Control and Safe Streets Act. We welcome the new leadership for the OJJDP and hope that the Office will move forward vigorously to implement the original legislative concept and provide a strong focus for Federal leadership to prevent delinquency and improve the quality of the juvenile justice system.

The National Collaboration for Youth strongly supports the central purpose behind the creation of the OJJDP, which was to provide a consistant clear policy direction, not only for Juvenile Justice Act programs, but also for all of the juvenile justice programs administered by LEAA. For this purpose, the OJJDP must be independent and no longer subordinate to LEAA.

We are pleased to support the amendments contained in H.R. 6704 which place the Administrator of the OJJDP under the general authority of the Attorney General and give him the necessary powers to direct that Office. Significantly, your bill, Mr. Chairman, gives full authority to the Administrator of the OJJDP to award grants and allocate funds under the Juvenile Justice Act. We think that the chances for strong administration of the Juvenile Justice Act are greatly enhanced by removing the OJJDP from the domination and control of the LEAA. The independence of the OJJDP would be further strengthened by funding the Juvenile Justice Act as a separate line item in the Federal budget and we hope that this possibility will be pursued. Nevertheless, the newly independent status of the OJJDP under your bill increases the likelihood of it becoming the focal point of Federal leadership to all levels of government as envisaged in the original legislation.

The Collaboration is concerned about the changes in your bill which would utilize the limited resources of the Juvenile Justice Act for additional attention to the problem of juveniles who commit serious crimes. We feel that the central thrust of this Act must remain the prevention of delinquency and the creation of community-based prevention, diversion and treatment programs based on a public/private partnership. This legislation is the sole Federal program aimed at the prevention of delinquency. It has taken time and effort to convince the bureaucracy of the efficacy and importance of prevention programs, particularly those of the multi-service private voluntary agencies. Any shift away from this emphasis, by addition of a new initiative for serious offenders, could quickly lead to the abandonment of successful prevention projects. It might signal to Federal and state officials that Congress is no longer committed to Federal leadership of efforts to prevent delinquency.

In this connection, we would like to draw your attention to the Collaboration's successful experience in increasing the capacity of the national youth-serving organizations at the national, state and local levels, to deliver services for so-called status offenders—juveniles who have engaged in conduct which would not constitute a crime if committed by an adult. LEAA funding has enabled ten member agencies of the Collaboration and six other major national private non-profit organizations to undertake jointly, with their respective local affiliates, actions to increase the capacity of private agencies, in partnership with governmental departments, to provide community-based alternatives to status offenders in Tucson, Arizona; Oakland, California; Spokane, Washington; Spartanburg, South Carolina; and Connecticut.

This National Juvenile Justice Program Collaboration, a task force of the National Assembly of National Voluntary Health and Social Welfare Organizations, built the capacity of these voluntary agencies to include status offenders in their service populations and also established demonstration collaborations in five of the ten local communities where deinstitutionalization projects for status offenders were being funded in juvenile courts, probation departments and youth bureaus. Out of the 115 separate program elements contained at the demonstration sites, 20 were selected as models and published for replication as the most effective ways to help status offenders. I am attaching the pamphlet entitled "A Different Game—Program Models National Juvenile Justice Program Collaboration" for a complete explanation of the successful functioning of this program at the local level.

The experience of the members of the national youth-serving organizations has emphasized what can be accomplished by Federal government leadership to create public/private cooperation to help children in trouble. We want to underline the importance of Section 224(c) of the Juvenile Justice and Delinquency Prevention Act which provides that 30 percent of the funds available for Special Emphasis programs shall be available for private non-profit agency grants. This section recognizes our capacity to create a trust relationship with young people and the need to make government funds available to use that crucial relationship to reach the hard-to-reach youth. It should be explained that the government funds which have gone to member organizations have been a catalyst to increase our effort and the dedication of our own resources to the needs of youth at risk. We have been able to obtain increased private and foundation funding for our programs for alienated youth. Due to the legislation and the work of the Collaboration itself, our membership is thoroughly aware of the delinquency problem and is mobilized to try to serve the hard to reach youth.

While the Collaboration believes that the limited resources of the Juvenile Justice Act should continue to be focused on the currently mandated prevention and diversion programs rather than attempting a new initiative for juveniles who commit serious crimes, it does not mean that we do not recognize the gravity of the problem of the violent and serious offender. Programs directed towards these dangerous juveniles should be funded out of the "maintenance of effort" provision of the Safe Streets Act. LEAA's rehabilitative programs for adult criminals and their delinquency programs may well provide examples of possible treatment programs for such juveniles. The utilization of Safe Streets Act "maintenance of effort" funds for the serious offender will allow continued use of Juvenile Justice Act resources for the long under-served status offenders. Since the original rationale for establishing the level of maintenance of effort has long-since faded from view, we urge that this rate be set at a flat 20 percent rather than the present 19.15 percent.

The Collaboration remains committed to the goal of deinstitutionalization of non-criminal juveniles. We recognize that the progress made in many states towards deinstitutionalization would not have occurred absent the Act's requirement. Retention of the requirement and adequate resources are required to permit the continued development of the variety of supportive services needed to keep the status offender out of institutions.

The Collaboration is concerned by the proposed change in Section 223(c) which permits the Administrator to determine that a state is in substantial compliance with the deinstitutionalization of status offenders requirement if "100 percent of adjudicated status offenders are removed from secure correctional facilities." This change would apparently permit the continued detention of non-adjudicated status offenders in secure juvenile detention facilities. We view this as a serious part of the problem of institutionalizing. The current requirement should be retained. We must not lose the momentum toward preventing the temporary placement of non-adjudicated status offenders in secure settings. The requirement should continue to focus attention on the needs of status offenders who are so easily forgotten and who are more sinned against than sinning.

The Collaboration continues to be against the placement of status offenders in secure settings but also is against the placement of delinquent juvenile offenders in facilities for accused or convicted adult criminal offenders. We believe that the new definition of secure detention facility contained in the amendment to Section 103(12) (A) and (B) and the new definition of secure correctional facility contained in the amendment to Section 103(13) (A) and (B) as presently drafted are unclear as to whether a facility in which placement of juveniles is prohibited would include a facility where mixing of adult and juvenile offenders occurs.

We are delighted to support the extension of the authorization for the Juvenile Justice and Delinquency Prevention Act for 4 years at $200 million until 1984. We prefer a 5-year authorization rising to $225 million annually in the last 3 years as this would demonstrate the additional commitment of the Congress to the importance of this program; however, we are pleased at the recognition inherent in the proposed level of funding for the next 4 years.

We also want to express our support for the 4-year extension of the program for Runaway and Homeless Youth and the continued placement of this program in the Department of Health and Human Services. This program has proven that that it can provide worthwhile services for the extraordinarily vulnerable runaway population.

Mr. Chairman, we appreciate your understanding that youth are our greatest resource and that this places a special responsibility on you and your fellow members of Congress to protect these young people who are without a voice in public policy deliberations. The National Collaboration remains committed to providing a voice at the national level for experienced youth-serving agencies and their constituents, the youth themselves. We are also committed to working at the neighborhood level with hard to reach young people. For many of them, dilinquency prevention programs are crucial to their becoming productive adults. Such programs, providing positive developmental experiences to vulnerable young people, are the essence of the Juvenile Justice Act and must be preserved as the main intent of the law.

We would welcome the opportunity to be of service to this Subcommittee in working out any aspect of the proposed legislation which will help assure that juveniles are given the opportunity to achieve their fullest potential. We remain committed to the fight for justice for juveniles this year, next year and for years to come. For the moment, we are confident that you share our view that the extension of the Juvenile Justice and Delinquency Prevention Act to provide Federal leadership to prevent delinquency is vitally important to the well-being of our nation's young people.

STATEMENT OF WALTER SMART, CHAIRMAN, NATIONAL COLLABORATION FOR YOUTH AND EXECUTIVE DIRECTOR, UNITED NEIGHBORHOOD CENTERS OF AMERICA, PRESENTED BY MARTHA BERNSTEIN FROM THE GIRLS CLUBS OF AMERICA, CHAIR OF THE JUVENILE JUSTICE PROGRAM; AND BARBARA SMITH APPEARING IN BEHALF OF DR. KEN WYATT

Ms. BERNSTEIN. This testimony is in behalf of the National Collaboration for Youth, specifically American Red Cross Youth Services, Boys' Clubs of America, Camp Fire, Inc., Girls Clubs of American, Inc., National Board, YWCA of the U.S.A., National Board of YMCA's, National Network, Services to Runaway Youth and Families, United Neighborhood Centers of American, and Girl Scouts of the U.S.A.

I will, in spite of that long list of names, attempt to be as brief as possible.

These national voluntary youth-serving agencies formed the collaboration in 1973 in recognition of the urgent need to speak collectively on the escalating delinquency crisis and its prevention. We were concerned about the quality of our juvenile justice system and the need for a voice on this issue for the youth-serving organizations that have the greatest first-hand experience in working with young Americans.

Our programs reach approximately 30 million young people in the United States every year. Our national executives and organization volunteer boards and staff in local communities cope every day with delinquent and potentially delinquent youths and are all too familiar with the way our society handles troublesome youngsters.

I think there is some importance to some of the problems we have seen in the Office of Juvenile Justice. We have followed the many difficulties of the Office of Juvenile Justice and Delinquency Prevention—OJJDP—including the lack of adequate appropriations, the delay in appointments of senior staff and management, the lack of staff, a needlessly complex grant application process, and a lack of commitment to delinquency prevention programs and the utilization of multiservice private voluntary agencies, particularly at the State and local levels, even though the use of those prevention programs and the voluntary agencies was clearly part of the intent of Congress. We welcome the new leadership in OJJDP and hope that the Office will move forward vigorously in implementation at this point.

Significantly, your bill, Mr. Chairman, gives the authority to the Administrator of the Office of Juvenile Justice to award grants and allocate funds under the Junvenile Justice Act, one of the things that we think led to some of the difficulties before.

Back to the box again. We think that the changes for strong administration of the Juvenile Justice Act are greatly enhanced by removing the OJJDP from the domination and control of the LEAA. The independence of the OJJDP would be further strengthened by funding the Juvenile Justice Act as a separate line item in the Federal budget, and we hope that this possibility will be pursued.

Last year when we talked to people about appropriations of funds they said, "What program are you talking about?" Without a separate line item, other Congressmen, not part of this committee, had difficulty identifying the program. We are concerned about the changes in your bill which would utilize the limited resources of the Juvenile Justice Act for additional attention to the problems of juveniles who commit serious crimes. We feel the central thrust of this act must remain the prevention of delinquency and creation of community-based prevention diversion and treatment programs based on public-private partnership.

Any shift away from this emphasis by addition of a new initiative for serious offenders would quickly lead to abandonment of worthwhile prevention projects. It might signal to State and Federal officials that Congress is no longer committed to Federal leadership of efforts to prevent delinquency.

In this connection, we draw your attention to our successful experience in building the capacity of the youth-serving agencies to deal with children who have been involved with the juvenile justice system. This act has enabled the national agencies to build the capacity of our local affiliates and our agencies ourselves to deal with these children in our program. Of the 115 separate programs as part of our collaborative project, 20 were selected as models and published for replication as the most effective way for our agencies to help in working with status offenders.

The experience of the members of the national youth-serving organizations has emphasized what can be accomplished by Federal Government leadership to create public-private cooperation to help children in trouble. We underline the importance of section 224(c) of the Juvenile Justice and Delinquency Prevention Act which provides that 30 percent of the funds available for special emphasis programs shall be available for private nonprofit agencies. This is very important.

We recognize, of course, the gravity of the problems of the violent and serious offenders. Programs directed toward these dangerous juveniles should be funded out of the maintenance provision.

The utilization of Safe Streets Act "maintenance of effort" funds for the serious offender will allow continued use of Juvenile Justice Act resources for the long underserved status offenders. Since the original rationale for establishing the level of maintenance of effort has long since faded from view, we urge that this rate be set at a flat 20 percent rather than the present 19.15 percent.

The Collaboration remains committed to the goal of deinstitutionalization of noncriminal juveniles. We recognize the progress made in many States toward deinstitutionalization would not have occurred absent the act's requirement. Retention of the requirement and adequate resources are required to permit the continued development of the variety of supportive services needed to keep the status offender out of institutions.

The Collaboration is concerned by the proposed change in section 223(c) which permits the Administrator to determine that a State is in substantial compliance with the deinstitutionalization of status offenders requirement if "100 percent of adjudicated status offenders are removed from secure correctional facilities." This change would apparently permit the continued detention of nonadjudicated status offenders in secure juvenile detention facilities. We view this as a serious part of the problem of institutionalizing. The current requirement should be retained.

We must not lose the momentum toward preventing the temporary placement of nonadjudicated status offenders in secure settings. The requirement should continue to focus attention on the needs of status offenders who are so easily forgotten and who are more sinned against than sinning.

The Collaboration continues to be against the placement of status offenders in secure settings, but also is against the placement of delinquent juvenile offenders in facilities for accused or convicted adult criminal offenders. We believe that the new definition of secure detention facility contained in the amendment to section 103(12) (A) and (B) and the new definition of secure correctional facility contained in the amendment to section 103(13) (A) and (B) as presently drafted are unclear as to whether a facility in which placement of juveniles is prohibited would include a facility where mixing of adult and juvenile offenders occurs.

We are delighted to support the extension of the authorization for the Juvenile Justice and Delinquency Prevention Act for 4 years at $200 million until 1984. We prefer a 5-year authorization rising to $225 million annually in the last 3 years as this would demonstrate the additional commitment of the Congress to the importance of this program; however, we are pleased at the recognition inherent in the proposed level of funding for the next 4 years.

We also want to express our support for the 4-year extension of the program for runaway and homeless youth and the continued placement of this program in the Department of Health and Human Services. This program has proven that it can provide worthwhile services for the extraordinarily vulnerable runaway population.

Mr. Chairman, we appreciate your understanding that youth are our greatest resource and that his places a special responsibility on you and your fellow Members of Congress to protect these young people who are without a voice in public policy deliberations.

Thank you for allowing us to be their voice and for the opportunity to appear today.

Mr. **Andrews**. Let me ask you this question. Is it possible that the fact that your organization is composed of basically youth groups—Boys' Clubs of America, YWCA, and so forth—leads your legitimate concerns to be directed more toward your membership, and very admirably so. The massive numbers of young people you are trying to influence in the right direction might lead you to favor keeping the focus of the act on prevention, deinstitutionalization, favor the fourth box, virtually the opposite view of the judge from Canton, Ohio, and the two administrators from North and South Carolina. I wonder if that is, in part, because their vocations are not concerned with the children that are doing well. They pick up only the ones who do badly. Therefore, they may be focused more on protecting society from serious offending youth, whereas your primary view is toward children, a few of whom may be dangerous to themselves. but the larger number of whom are doing well and need to be encouraged to do well.

Ms. **Bernstein**. I think that is somewhat true. On the other hand, obviously you can have statistics showing you there are certain kinds of increases in crimes in certain groups of juveniles. The reality is that when you are dealing with the dangerous offenders, the young persons who commit serious or dangerous offenses, they are still a very small proportion of the population.

Even though they come before the judges, that is a small proportion of the population. I think what our agencies are saying is that this legislation sees our agencies as agencies for good kids. We don't see them that way. We see them as agencies for all kids. We are here today. We have committed a lot of our staff and board resources to interest in this legislation and to the fact that it helps us to expand our services to really include all kids, maybe except with a minuscule proportion of kids who have really committed dangerous offenses.

Mr. **Andrews**. That is a very good point. It seems that ultimately you have to reach a decision of just what is the main thrust or purpose of the act; is it to deal with overall youth or is it to deal primarily with the deviants we have spoken about. Therefore, there is a difference.

Thank you very kindly.

Next is Barbara Smith.

[Prepared testimony of the Council for Exceptional Children follows:]

PREPARED TESTIMONY OF THE COUNCIL FOR EXCEPTIONAL CHILDREN BY BARBARA J. SMITH, PH. D., POLICY SPECIALIST, GOVERNMENTAL RELATIONS UNIT, THE COUNCIL FOR EXCEPTIONAL CHILDREN, RESTON, VA.

We thank you for the opportunity to appear before this distinguished panel of the 96th Congress to offer the views and support of The Council for Exceptional Children with respect to H.R. 6704, a bill to amend The Juvenile Justice and Delinquency Prevention Act of 1974. We take this opportunity to commend you, Mr. Chairman, and the Subcommittee for the attention these amendments offer to the special needs of handicapped juveniles. The provisions of these amendments will substantially facilitate appropriate services for this very special population.

The Council for Exceptional Children is a national organization with a membership of approximately 65,000 professionals in the field of special education. One of the most fundamental ongoing missions of the Council, which has brought us to Capitol Hill on so many occasions through the years, is to seek continual improvement of federal provisions for the education of America's exceptional children and youth, both handicapped and gifted.

In our efforts to promote improved educational opportunities for exceptional students, the Council has become acutely aware of the incidence of educational and vocational special needs of the juvenile delinquent population. As you are probably aware, recent research efforts are evidencing an inordinately high prevalence of mental retardation, learning disabilities, and other handicapping conditions in the troubled youth population. Secondly, the few efforts to research the question of the prevalence of giftedness in the delinquent population have again reported a significant giftedness incidence rate. With the growing suspicion that school failure and frustration may contribute to delinquent behavior, the Council believes that the unusually high special educational needs of troubled youth must be addressed in this Act. To this end, we offer the following comments.

THE INCIDENCE OF SPECIAL EDUCATION NEEDS IN THE TROUBLED YOUTH POPULATION

Reports about the educational characteristics and the incidence of handicapping conditions among adjudicated youth have appeared at an increasing rate over the past two decades Most of the studies have focused on the incidence of mental retardation and learning disabilities in this population.

Most investigations found a high prevalence (12 to 15 percent) of mental retardation among incarcerated youth as compared to an occurrence of 2 to 3 percent in the general population. Above average figures have also been reported for adjudicated youth with learning disabilities. Depending on the criteria used, between 30 and 50 percent of that population have been diagnosed as learning disabled. There is sufficient evidence to warrant the suspicion that the incidence of both mental retardation and learning disabilities occurs at a higher rate in the adjudicated population than in the population at large.

In a recent study of the number of handicapped youth in youth corrections facilities in the state of North Carolina, the following was found:

The number of mentally retarded youth in correctional facilities was approximately six times the number that can be expected from the general population.

Youth expected to have learning disabilities far outnumbered the national expected percentage.

The incidence of communication disorders such as speech and hearing impairments were twice that of the general population.

Students significantly behind in academic skills, including those considered handicapped by federal definition, totalled 89 percent.

A national study recently reported that 42 percent of the juvenile corrections population were handicapped. In the same study, the average incarcerated youth was found to be academically behind age peers by two to four years, and that 80 to 90 percent have not completed high school requirements. The Law Enforcement Assistance Administration (LEAA) reports that 39 percent of the juvenile corrections population is functionally illiterate. And, in contrast, researchers in Colorado report that while gifted youth may not be more likely to commit delinquent acts, they may, however, be represented at least in the same proportion as in the general population, and those who do become adjudicated evidence serious academic underachievement.

Thus, as you can see, Mr. Chairman, we are facing a serious problem. Namely, if academic failure may be associated with delinquent behavior, schools and correctional agencies must attempt to remediate the prevailing serious educational problems of troubled youth.

STATUS OF CURRENT SPECIAL EDUCATION PROGRAMS FOR TROUBLED YOUTH

Faced with this dilemma, The Council for Exceptional Children has begun to look at current special education services for troubled youth. Our preliminary conclusions are twofold:

The information on special education programs and services for troubled youth is surprisingly limited.

The available information depicts a bleak picture of the current quality of programs.

The reasons for these facts are many. Education has not historically been a priority for corrections. Budget allocations for programs provide clear evidence to this fact. State education allocations for correctional programs are as low as 5 percent of the total budget. Secondly, education and correctional agencies have traditionally viewed their missions as quite different and separate, thus creating few opportunities or reasons for sharing expertise and resources. Right to treatment litigation efforts on behalf of handicapped incarcerated youth and research projects have consistently reported the following special education program inadequacies:

A serious lack of trained special education and related services personnel.

Inappropriate or insufficient educational evaluation and identification procedures for determining special education needs.

Failure to meet even the minimum federally mandated special education requirements.

Failure to plan cooperatively with education agencies for the transmission of relevant educational information both when the student leaves the public school arena and upon return.

Both education and corrections agencies are becoming acutely aware of the deficits in providing services to handicapped troubled youth. Dr. Ira Schwartz, Director of the federal Office of Juvenile Justice and Delinquency Prevention, recently stated that in meetings with state corrections and human resources administrators, both groups identified services to the handicapped offender as areas of high priority. Education officials, likewise, in part to meet federal education mandates, are beginning to bridge the gap between their agencies and corrections by initiating liaison efforts and offering technical assistance and training activities.

FEDERAL SPECIAL EDUCATION REQUIREMENTS FOR CORRECTIONS

The Education For All Handicapped Children Act of 1975 (Public Law 94-142), amending Part B of the Education of the Handicapped Act, mandates a free, appropriate public education for all handicapped children, regardless of what agency is serving them. Thus, correctional facilities are mandated to provide appropriate special education services, and in fact, corrections agencies are specifically mentioned in the implementing regulations for Public Law 94-142:

> *Public agencies within the State.*—The annual program plan is submitted by the State educational agency on behalf of the State as a whole. Therefore, the provisions of this part apply to all political subdivisions of the State that are involved in the education of handicapped children. These would include: (1) The State educational agency, (2) local educational agencies and intermediate educational units, (3) other State agencies and schools (such as Departments of Mental Health and Welfare and State schools for the deaf or blind), and (4) State correctional facilities. (45 CFR § 121a.2(b), August 23, 1977).

The current status of special education programming in correctional facilities as discussed above, presents serious compliance implications. In brief, these issues include:

State education agencies are responsible for assuring that all handicapped students receive appropriate education, thus requiring new levels of interagency cooperation and agreement between education and correctional agencies.

Development and implementation of individualized education programs (IEP's) requires that all educational and related services needed by handicapped youth be delivered. Included will be many services not previously provided in correctional settings.

Services for handicapped students are to be provided in the least restrictive environment (LRE), but by their very nature correctional facilities are restrictive and typically have offered few alternatives.

Procedural safeguards, guaranteed under Public Law 94-142, provide the adjudicated handicapped youth with a process for challenging the correctional facility if it fails to provide an appropriate education. At the very least, issues related to the appointment of educational surrogate parents and impartial hearings are new policy areas for correctional institutions.

The law requires that any placement or change in educational placement should be based on the student's written Individualized Education Program (IEP). Educational decisions made at the correctional facility and at the school the student attends upon release should be based on what is recommended in the IEP.

This will require considerable cooperation between the public schools and the correctional facility.

Public Law 94–142 specifies that handicapped students receive services from qualified personnel. This requirement has implications for personnel development programs in the field of youth corrections work.

Efforts to bring correctional educational programs into compliance with Public Law 94–142 are under way. States are initiating cooperative agreements between correctional, educational, and other state agencies in order to provide quality special education and related services to handicapped youth in correctional facilities. However, there is a great need for guidance in order to remediate the current program inadequacies.

CONCLUSION

In light of the evidence that a large percentage of the delinquent population possess educationally handicapping conditions, The Council for Exceptional Children strongly supports the provisions which directly speak to these special needs, including:

The inclusion of special education in the definitions of "community based" program (Sec. 103(1)), and "treatment". (Sec. 103(15)).

The recognition of the benefit of having individuals to serve on the National Advisory Committee and in state plan development who have knowledge about the needs of the handicapped students. (Sec. 207(a)(2)) (Sec. 223(a)(3)).

The inclusion of special education projects as eligible for funding for the development of advanced techniques in the prevention and treatment of delinquency. (Sec. 223(a)(10)(A).)

The expansion of scope to include training on all handicapping conditions for on-the-job training programs for law enforcement and juvenile justice personnel (Sec. 223(a)(10)(I)), as well as to local runaway and homeless youth center personnel (Sec. 311).

The inclusion of the Assistant Secretary for the Office of Special Education and Rehabilitative Services, Department of Education, as a member of the Coordinating Council. (Sec. 206(a)(1))

The Council further recommends:

Amending Section 224(d), "Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally disturbed or physically handicapped youth," to read, "Assistance . . . minority youth, and handicapped youth." The Council believes that such a revision would be consistent with other changes which broaden the scope of assistance and attention to include all handicapping conditions.

To define "handicapped" in accordance with Public Law 94–142 (EHA, Part B) for provisions concerning the education of handicapped students:

> mentally retarded, hard of hearing, deaf, orthopedically impaired, other health impaired, speech impaired, visually handicapped, seriously emotionally disturbed, or children with specific learning disabilities who, by reason thereof, require special education and related services. (Sec. 4)

By adopting the EHA definition, Congress will facilitate consistent reporting requirements between OJJDP and the Office of Education, which requires an annual count from all agencies, based on this definition. The assessment and identification procedures are subject to the evaluation safeguards as defined in Public Law 94–142 (Sec. 612(5)).

Secondly, for issues or services not related to education, a definition of handicapped should be in accordance with Section 504 of the Rehabilitation Act of 1973 which governs all programs and activities receiving or benefiting from federal financial assistance. In § 84.3(J) of the governing regulations, the § 504 definition of handicapped is:

> "Handicapped persons" means any person who (i) has a physical or mental impairment which substantially limits one or more major life activities, (ii) has a record of such an impairment, or (iii) is regarded as having such an impairment.

Again, conforming the definition of handicapped to current federal definition with which correctional agencies must comply, facilities simplified recordkeeping and procedural consideration.

Mr. Chairman, we offer our deepest appreciation for this opportunity to present our concerns regarding the special education needs of troubled youth and to offer our strong support for H.R. 6704, which will more adequately attend to these issues and will make a significant difference in the lives of handicapped youth. To this end, The Council for Exceptional Children offers all its informational resources to the Subcommittee to better provide for America's handicapped youth.

STATEMENT OF BARBARA J. SMITH, PH. D., POLICY SPECIALIST, GOVERNMENTAL RELATIONS UNIT, THE COUNCIL FOR EXCEPTIONAL CHILDREN, RESTON, VA.

Ms. SMITH. I am Barbara Smith. I have been designated by our president, Dr. Ken Wyatt, to present our support for H.R. 6704. Dr. Wyatt asked that I present the views mainly because of my history of involvement in the area of special education and troubled youth. That involvement includes a study that I did in North Carolina, which is my home State, several years ago, looking at the number of kids in youth corrections who are handicapped, and what services they were receiving.

In that study, we found that approximately six times the normal percentage of kids are mentally retarded, twice the number expected have communications problems, and there was an inordinate number of learning disability.

Federal studies have shown that possibly at least 42 percent of the current population in corrections are handicapped. LEAA says that 39 percent at least are totally functionally illiterate.

The Council for Exceptional Children has become quite concerned about services being delivered to handicapped citizens in the corrections institutions. The reason we are looking at that whole issue is that if there is a high correlation between a handicapped condition and a delinquent act, what do we do to prevent it or ameliorate it? When we have looked at the services currently being offered, two things are readily obvious. One is that there is very little information about the services being provided to handicapped in correctional facilities or even in alternative service programs.

Second, the available information shows that those services are grossly inadequate and that they do not meet current Federal education mandates for kids who are in correction facilities.

We have found specifically that there is a serious shortage of trained personnel, trained special educators and related service personnel serving troubled youth. We have found that there are inadequacies with regard to educational assessment and identification so that if they don't get the records from the school showing that the child is handicapped, the current assessment feature very seldom points that out.

If there is a historical lack of transference of material between schools and correctional facilities, it is very difficult. There are lots of problems, so if a kid is in corrections for 6 months, he may be there 4 months before the school records ever reach there.

Finally, along these lines, the Education of the Handicapped Act does include corrections as one of the agencies mandated to provide appropriate special education to handicapped children and their jurisdiction and whether these inadequacies of corrections are having a very difficult time complying with this mandate.

It is for these reasons that we are very pleased with the provisions in 6704 that not only focus on the fact that there are many handicapped children in corrections, but also provide a lot of leadership and guidance in improving the services to them.

We have one recommendation, specifically, and that is that a definition of "handicapped" be included that addresses or complies with the definition within the Education of the Handicapped Act, because corrections facilities are currently having to use that definition to turn in an annual count of handicapped kids.

Mr. ANDREWS. Did you recommend the use of the same definition?

Ms. SMITH. Yes. Also, that is a Federal education definition of "handicapped," so it does represent, at least at this time, the consensus in the country for what is an educational handicapped child.

Mr. ANDREWS. You say that is being used even though it is not in here?

Ms. SMITH. It is being used because corrections are within the mandate of the Education of the Handicapped Act. They have to count the kids annually for this today and turn in their annual program plan under the Education of the Handicapped Act.

Mr. ANDREWS. They would have to count them more frequently than annually, would they not? They are in and out?

Ms. SMITH. There is a December 1 head count; they count on December 1, regardless of who has been in and out at that point. It is problematic for corrections, because the bill more obviously addresses the school system, but it is a December 1 count. They are having to use not only the definition, but also the assessment definition.

Mr. ANDREWS. That might be feasible in a school, but when you are talking about kids in correction facilities, how do you count them once a year? They are going in and out monthly.

Ms. SMITH. That issue has been brought up regarding schools, too, because a lot of handicapped kids go in and out of services that way. There used to be two counts and they were averaged, and there were problems with that.

At this point, that is what we are using.

Mr. ANDREWS. The only meaningful count would be to report at some time each year how many have been there during the preceding year?

Ms. SMITH. That count probably is for funding purposes and the funding is based on a per-child count. So, it has to be turned in at a certain time.

Mr. ANDREWS. It tells you how many kids have been registered as participating within the year preceding whatever date you pick?

Ms. SMITH. Right.

Mr. ANDREWS. Rather than how many are there?

Ms. SMITH. That is right.

Finally, that definition we feel would be appropriate for the educational provision of H.R. 6704; however, we feel there also should be a handicapped definition that complies with section 504 of the Rehabilitation Act of 1973, which covers all programs dealing with Federal assistance. That would be a broader handicapped definition.

That is for provision of services other than education. Again, they are having to comply with that one, too.

Thank you. I will be glad to answer any questions.

Mr. ANDREWS. Barbara, let me confess a considerable degree of ignorance by asking this question: When you say Council for Exceptional Children, do you mean exceptionally talented, exceptionally retarded, exceptionally what direction?

Ms. **Smith.** Both directions. Within the testimony there is some information about the incidence of giftedness in the troubled population, but there is even less information on that than there is on handicapped conditions.

Mr. **Andrews.** I never really thought about it. It just seems I would expect that word to mean exceptionally talented or gifted, whereas you use words like "retarded," "handicapped," "deviants from the norm" on the other side; but you use it meaning both?

Ms. **Smith.** We use it for both. We consider exceptional people those who are going to require services.

Mr. **Andrews.** We certainly thank you both and those whom you represent.

Barbara, how does your group feel about some of these basic questions that have been raised, the fourth box, for example?

Ms. **Smith.** We have not addressed those issues because this is the first year we have worked with this act, this piece of legislation. We are only in the initial phases, in the last 2 years looking at the whole issue of the handicapped of the population.

Mr. **Andrews.** Thank you again.

Our next to the last group includes Mr. Richard J. Phelps, director, Youth Policy and Law Center, Inc.; Doug Herzog, executive director, Mountain Plains Youth Services Coalition; Arnold E. Sherman, executive director, Youth Network Council; and Ron Clement, executive director, Diogenes Youth Services.

PANEL OF WITNESSES

Richard J. Phelps, director, Youth Policy and Law Center, Inc., Madison, Wis.

Doug Herzog, executive director, Mountain Plains Youth Services Coalition, Pierre, S. Dak.

Arnold E. Sherman, executive director, Youth Network Council, Chicago, Ill.

Ron Clement, executive director, Diogenes Youth Services, Davis, Calif.

[Prepared testimony of Richard J. Phelps follows:]

PREPARED TESTIMONY OF RICHARD J. PHELPS, DIRECTOR, YOUTH POLICY AND LAW CENTER, INC., MADISON, WIS.

Mr. Chairman and Members of the Committee, I am appearing today in two capacities. The substance of my comments reflects ten years of experience as an attorney working on youth issues in varying roles in state government and the private sector. The most recent involvement I've had with the Juvenile Justice and Delinquency Prevention Act has been over the last three years as director of the Youth Policy and Law Center. Secondly, I have shared my views with the other members of a network of law centers who have asked me to represent them in the reauthorization process. The centers who share my observations today include Greater Boston Legal Services, Juvenile Law Center for Philadelphia, National Conference of Black Lawyers in New York, National Juvenile Law Center in St. Louis, and the Youth Law Center in San Francisco.

My comments reflect a local Wisconsin experience but hopefully the information has broader applicability. I am here to attest to the effectiveness, in our state, of the Juvenile Justice and Delinquency Prevention Act funds.

Prior to the passage of the JJDPA people in our state worked for years, without success, for changes in our archiac juvenile justice system. With the passage of the JJDPA our state efforts began to bear fruit. Presently we are in the process of massive system reform relying on the lead and support of Congress via the Office of Juvenile Justice and Delinquency Prevention.

The amount of money, roughly $3 million per year is not overwhelming when compared to the overall cost of our juvenile justice system. Rather, it is the unique nature of the money that makes it absolutely indespensible to any new developments in our state.

Wisconsin administers juvenile justice money through the Wisconsin Council on Criminal Justice (WCCJ) and receives some directly from the Office of Juvenile Justice and Delinquency Prevention. In this manner we have funded shelter care facilities, model intake diversion programs, program alternatives for status offenders, state level advocacy services, and juvenile officer pilot programs. Evolution requires the infusion of new ideas to balance the old and the JJDPA money is almost solely responsible for providing that balance.

Following the lead of Congress as expressed in the JJDPA Wisconsin no longer allows correctional incarceration of status offenders, we provide full due process protections for minors and their families, and we do not allow adults and minors to be commingled in correctional facilities. The Act is important because it does not simply throw money at problems. Its substantive purposes provide a focus for local, state and federal financial commitments to the system.

The Act was the major impetus in Wisconsin for generating through a governor's task force 370 suggested policy changes in our juvenile justice system. Follow-up money provided the state the necessary leadership in implementing the new system.

Four major studies were done of Wisconsin's system in the early and mid-1970's and all concluded that Wisconsin did not have a juvenile justice system. Nearly every dimension of the process varied from county to county and the total informality of the system had cultivated, over the years an environment characterized by abuse of authority. A primary example was the inappropriate and excessive use of county jails on non-delinquent children. In 1974–75 Wisconsin used the county jail on children more than any other state in the country. When counting the number of children in secure detention centers and jails, Wisconsin locked up over 22,000 children awaiting their trials; 70 percent of whom had not committed a crime; few, depending on the county, were allowed detention hearings, petitions stating reasons for their detention, or legal representation. Nearly 50 percent of the children in the jails were there for status offenses, girls were locked up at twice the rate of boys, and runaways were locked up at three times the rate of delinquent children.

JJDPA money was used to develop the recommended standards and goals which provided the blueprint for change in our state, helped increase the number of shelter care facilities from 2 to well over 30, put in place dozens of intake systems which facilitated diversion, and perhaps most importantly put in place a planning capability within state government on juvenile justice issues. All of these efforts culminated in 1978 when Wisconsin passed a total revision of its juvenile justice system which among other things has reduced the use of secure custody by 40 percent in the first year and eliminated over 80 percent of the status offenders locked up. Our state law now guarantees children and their parents an initial detention decision by a trained intake staff person on a 24 hour basis, a detention hearing within 24 hours, a petition stating the reasons for detention, and the right to legal representation.

Perhaps the most significant thing that the JJDPA bannered in our state is the development of a sophisticated and ongoing dialogue among all of the factions that have traditionally immobilized the system through disagreement and lack of communication. Over 30 state level organizations supported the revision of our juvenile justice system. Those organizations by virtue of their positions on the proposed law endorsed the substantive agenda of the JJDPA. The organizations represented every state law enforcement group, district attorneys, defense lawyers, judges, public and private social services agencies, local units of government, citizens groups like the League of Women Voters, and juvenile justice activists and planners. Despite differences over given issues that network of organizations continues to move forward together behind the leadership of Congress in its commitment to deinstitutionalize children who simply must be served in less restrictive community programs.

The Act as proposed continues to assert a strong substantive leadership in the field and keeps this money from simply being an easy method of supplanting state financial commitments.

We would, however, like to share a limited number of observations about potential changes in the JJDPA. There are two categories of concerns we have about the issues before you. First of all, due to the success the Act has enjoyed in Wisconsin there are many aspects we urge you to perserve. It is essential that you maintain the bill's substantive commitments.

1. COMMINGLING

We would urge rejection of any loosening of the commingling prohibition. For the first time in years our juvenile correctional institutions are under-capacity. Our adult prisons are over-capacity. Do not create local political pressure to fill empty beds with adults or Wisconsin will regress to a point less desirable than at any point prior to the Act's existence.

2. SECTION 103(1)

The definition of "community based" must be preserved. Broadening it by including large or secure facilities eliminates any guidance the Act offers to states.

3. MAINTENANCE OF EFFORT

The requirement for maintenance of effort must be continued. In addition' segregating all of it for the violent offender, as has been suggested by some, has risks. Without well developed restrictions on the use of the money the state of the art for violent offenders in most communities is no more sophisticated than locking a door. Just funding more of the same encourates supplanting. Furthermore, earmarking the money would commit 30 percent of the juvenile justice money to programs for 2 to 3 percent of the juvenile offender population. We are in need of sound demonstration projects using creative, effective and humane methods before we over-commit our limited resources in a mandatory fashion. This is not to be interpreted as opposition to amendments offered which would acknowledge our failure in dealing with violent offenders and state a preference that money be directed to programs specialized for them.

4. AUTHORIZATION LEVEL

Much of our local effort is lead by statements that the juvenile justice system is a national priority. Reducing the authorization would be very destructive to the present momentum. With a cut in LEAA resulting in a decline of $45 million for juvenile programming the authorization for the JJPDA should be, if anything, increased to $250 million for fiscal year 1981 and $275 million for fiscal year 1982.

The remaining suggestions are offered as amendments which would increase the effectiveness of the Act.

5. ORGANIZATIONAL CHANGES

When youth issues or services are combined with those affecting adults, the results are always the same. The youth concerns get buried, even in the best intentioned organizations. The federal government is no exception. Without a natural, stable constituency the outcome is logical. Therefore, you must work to focus attention exclusively on youth at certain fixed points in the process. When LEAA is asked to cut funds there has been an instinctive response to pass those cuts on to the juvenile justice office. An effort wisely overruled by Congress.

History would indicate that it is important to separate out OJJ and thereby formally acknowledge the governmental priority in the area of youth programming. The Office of Juvenile Justice and Delinquency Prevention has a mission somewhat different than LEAA as a whole, with different interest groups, different clients, and different program approaches. Its appropriation and decisionmaking should be separate.

These concerns not only argue for OJJ to be an organizational coequal with LEAA but argues to maintain a separation in the reauthorization cycles of the JJDPA and the Justice System Improvement Act.

6. SECTION 103(12) (AS WELL AS WHAT TO DATE HAS BEEN LEFT TO AGENCY REGULATIONS)

The definition of "correctional institution or facility" should be separate from the definition of detention or preadjudication facility.

The definition of detention should be clarified to guarantee the absolute elimination of nonoffenders and status offenders from secure preadjudication facilities and that compliance with the Act must require 100 percent removal. Furthermore, the definition should establish a uniform concept of "secure" thereby precluding the ability of an individual state from complying by merely relabelling facilities as "nonsecure". The definition must evolve beyond the limited concepts of walls, locked doors, and barred windows. On the other hand, small, open preadjudication programs must be available to offenders, status offenders and nonoffenders alike.

The Act must also maintain its absolute prohibition on the placement of nonoffenders and status offenders in secured dispositional placements including correctional institutions and facilities. On the other hand, small open community programs whether or not residential in nature should not segregate offenders from non-offenders and status offenders. In addition, the Act should begin to break ground on the realization that the large size of a facility is per se counter-therapeutic. A capacity ceiling should be placed on non-secure dispositional institutions for any category of child. That ceiling should reflect at this first stage a reasonable opportunity for states to work towards early compliance and yet force the elimination of large warehouses. The size limit should be no greater than 100 beds with a clear intent to progressively lower the ceiling over the next five years. This plan would allow organizations with institutional programs to evolve networks of community programs without facing immediate dissolution.

STATEMENT OF RICHARD J. PHELPS, DIRECTOR, YOUTH POLICY & LAW CENTER, INC., MADISON, WIS.

Mr. PHELPS. Thank you, Mr. Chairman.

My name is Richard Phelps, director, Youth Policy and Law Center, in Madison, Wis. I appreciate the opportunity to present testimony today. I am really here in two capacities, one with the center and as an attorney who has practiced for 10 years in the system, but also in consultation with other law centers in the country, including Greater Boston Legal Services, National Conference of Black Lawyers in New York, Juvenile Law Center for Philadelphia, the National Juvenile Law Center in St. Louis, and the Youth Law Center in San Francisco.

I am here not to offer all our views on the issues, but I am here primarily to share with you a local experience in the State of Wisconsin, an experience, I think, from which lessons can be drawn on the bill before you.

We in Wisconsin are a medium-sized State with very major compliance problems under the JJDPA. In 1974 and 1975, the State of Wisconsin, according to a recent LEAA study, used the county jails more for children than any other State in the country. In 1974-75, if you counted all the kids in secure custody awaiting trials in our State, there were 23,000 children locked up in city jails, county jails primarily, and some in detention centers. Very few were given hearings; very few were given petitions stating the reasons why; most were in isolation cells.

There are very few rules of the justice system in Wisconsin. A single reason for that change, the primary reason that that changed, is this act of Congress. Following the lead of Congress, Wisconsin no longer holds statute offenders in correction facilities. We do not allow commingling of juveniles and adults. In the detention jailing area I think a very exciting thing happened as a result of the act.

Because of that experience and that success, I urge this committee very strongly not to back off your substantive commitment under the JJDP Act. Wisconsin has used this money to fund sheltered care facilities, intake diversion programs, juvenile officer pilot programs, advocacy services, and alternative programs for status offenders and nonoffenders.

As a result—it all culminated in 1978—Wisconsin did a massive reform of its juvenile justice system. In the first year, according to the first statistics that have come in, we have had 87 percent reduction in 1 year of status offenders held in secure custody and 40 percent reduction across the board.

I think Wisconsin is proof of the fact that this act works. I think more exciting than anything else perhaps is the fact that that provision was endorsed by 30 State-level organizations in our State. Every single law enforcement association, the district attorneys, the judges, defense lawyers, Civil Liberties Union, the League of Women Voters, other citizen groups, all got behind that, because the JJDP Act provided them the opportunities to focus discussion on these issues.

As part of that revision, I might add, not only did the numbers drop, but also every child was guaranteed a hearing within 24 hours, 24-hour personal intake interviewing, the right to legal representation, an opportunity for parents to participate in the decisionmaking process.

There are items within the bill before you that concern me. There is a great deal of good in this bill; but piece by piece, it is my fear Congress can back away from something that has led our State in a new era of juvenile justice.

We feel it is essential that ultimately the bottom line in the leadership in this area should be the removal of status offenders and nonoffenders from jails, detention centers, and secure dispositional resources, and that Congress ought not to back away from that.

There is wisdom in the bill, when you split the definitions between preadjudication resources and disposition resources. That wisdom can be applied to one of the suggestions made earlier, in my belief, and this is not in my written statement, but I would like to add it, and that is that the Attorney General's Office's opinion that we ought to remove children from jails completely is something, I think, is a very moving opinion for somebody in that position in government, and ideally I agree.

Obviously, there are going to be some problems with that recommendation on preadjudication resources because of the physical impact and some of the logistics of it, but this is something that this committee can do immediately in compliance with that recommendation, and that is to segregate in your minds the difference between preadjudication and pretrial resources and dispositional resources, and put a prohibition against use of jail or secure detention centers for any minors or in the dispositional arena.

Most States don't use that now. Some do. As States begin to use that as disposition, in other words, sentence kids to the adult county jail, the populations are going to explode again. That does not have the fiscal implications of the preadjudication act, but it is a significant thing that the committee can do in keeping with the recommendation from the Attorney General's Office.

Mr. ANDREWS. Are you speaking only of status offenders? I am thinking of the lady from California who told about the two 13-year-olds who killed their mother, charged with a felony. You would say no detention prior to determination of guilt or innocence?

Mr. **Phelps**. That is a good example of the reason you need to separate those definitions. Under what I have suggested, you would certainly hold that child in custody prior to the trial. After you have made a decision of court jurisdiction, you are going to, in essence, send them to a place to live. You send them to a very secure place.

If you are dealing with a violent person, you send him to a correctional facility. Every State has a correctional facility; they have all the options in their repertory of responses available—if not in actuality, in theory certainly—so that the county jail is not necessary. They will send that same child to a correctional facility.

Mr. **Andrews**. What do you do to that child prior to adjudication?

Mr. **Phelps**. The Attorney General's Office would recommend—and I think there is a great deal of agreement with that—that you never use a county jail on a child.

My opinion is that that would be a more difficult road. It may take longer because of the financial implications of building detention centers or whatever has to be done in a county.

Now they will be able to hold them in jail or detention centers prior to their trial.

Mr. **Andrews**. I thought you were saying the act should contain language saying that no youth should be held in detention facilities prior to adjudication of whatever charge might be filed against the child.

Mr. **Phelps**. No; my request was that when it comes to pretrial holding——

Mr. **Andrews**. Who has not yet been tried?

Mr. **Phelps** [continuing]. That no status offender should ever be held in the jail and in a security facility.

Mr. **Andrews**. My first question to you was, are you speaking only of status offenders?

Mr. **Phelps**. Yes; I believe there are some children, prior to trial, that you have to hold in a secure facility.

Mr. **Andrews**. But not status offenders?

Mr. **Phelps**. No, I do not believe you should lock up status offenders.

Mr. **Andrews**. We are in agreement on that. I do not think there is anything in the present law or in the bill that conflicts with that; is there?

Mr. **Phelps**. It may be my misunderstanding, Mr. Chairman, but one of the potentials that I read in the language—and I will review it again if I am in error, and I looked through it again this morning—was that States could elect various options for the purposes of compliance.

If that is not the case, then I would urge that you resist people who are asking you to water down the act.

Mr. **Andrews**. You have said two or three times, "backing off." I am not aware that bill is in any way backing off from any commitment or any law or otherwise that is in the 1974 act or in any subsequent amendments to that act.

It may be that I am mistaken. I do not mean to sound argumentative.

Mr. **Phelps**. Part of it, Mr. Chairman, is our anticipation that there will be pressures from some segments within the country to allow easier compliance with the act, arguing that full compliance with the act is not possible.

Our position is that it is not only not possible, but it is also happening because of the strong stand that Congress has taken.

I would urge you to continue on that course for not only the elimination of status offenders in correctional facilities, secured correctional facilities, but also elimination of all status offenders and nonoffenders from predisposition and holding facilities, detention centers and jails.

Mr. **Andrews**. As far as I know, we are not in any disagreement. I said—and I hope I have not been interpreted as saying something that someone considered as backing off—that I thought that the act should address problems in addition to deinstitualization. When I used the phrase that the "ship of OJJDP should fly other flags in addition to the deinstitutionalization of status offenders," I did not intend by that to move away from that as an objective.

Rather, I think other flags should be added. We have juveniles, as the lady from California and the judge from Ohio have told us today, who have problems with themselves. Many of these juveniles are other than those who are status offenders. We have the serious offenders, the handicapped. We have many problems with juveniles and juveniles with many problems with each other and their families. I was trying not to back off from any commitment, but to add additional commitments—again let me emphasize, without backing off from the original commitment.

That is the direction in which I understood these amendments to be moving.

Mr. **Phelps**. I think there are a great many people who, when asked, will attest that the system you envision certainly has been working and will continue to work, and the people who are asking for an easier compliance schedule should not be listened to if they are arguing that the act does not work.

Furthermore—and I don't want to comment on the California situation—I can only say that if the committee accepts any kind of amendment on the commingling issue, that the committee be mindful of States like Wisconsin where, for the first time in recent history, our juvenile correctional facilities are not overcrowded and we are beginning to control the profile of who are being locked in our correctional facilities.

If there is encouragement from Congress to allow the use of the facilities for adults under the name of a youthful offender program—and I am not saying that is what California does; I am saying be very, very careful, for our sake, in moving into that area—it could cause us tremendous local pressure to simply add adults to juvenile facilities and undercut the very purpose of the act.

There are other issues that I will leave to my written comments, Mr. Chairman. I will be more than willing to discuss, if the opportunity presents itself, the fourth box issue.

Part of my job in Wisconsin was to coordinate many of the interests of the people who were struggling for the compliance with the JJDP Act. I really think the discussion got off base, unfortunately. It is not a matter of coordination for us. We support a fourth box. It is not because of local coordination needs.

Our coordination was outside of the State planning agency; that was part of it. If the money goes through the States planning agency, by and large, it is not going to matter that much whether it is a fourth box. The fourth box is important when it comes to focusing the national discussion on juvenile justice, not the local coordination. It is really irrelevant to local coordination, in my mind, by and large. It is a very small layer in a large constituency group that works together at a local level. But, for national reasons, it is very important because every organization that I have ever been involved with—and some of them are very well intended—the first thing that is overlooked, just logical implications of not having a constituency, the first thing that is overlooked is the youth program.

Everyone knows if you mix them, juvenile justice is the first thing that gets lost. You have to focus on it. It is not law enforcement. We are not talking about the professionals in the field. We are talking about the people served, and it is the unique characteristics of a nonconstituency client that requires you to take time out at some point in the process and discuss nothing but those people, or you won't hear them.

So, we would argue for a fourth box as well.

Thank you, sir.

Mr. ANDREWS. Very well. I believe that what they would say is that you are going to put this fourth box sort of in a limbo position over there under the Attorney General. That will be the smallest and least concern he will have.

Mr. PHELPS. I think part of the concern is that there is a wholly different agenda in some ways of what needs to be done under the Juvenile Justice Office and LEAA agency. So, in budget and reorganization it is very important to focus on what has to be done.

Some of its purposes are different. Certainly the people involved tend to be different. I think that most of the people who argue for a fourth box—and I am sure of it—believe very firmly that reaction will not be that it will get lost if it is identifiable. The only time it will get lost is when it is buried in the subset of a larger bureaucracy, such as LEAA.

If the people who are testifying that it is going to be buried there, buried out on its own and forgotten, that is the last thing they will be fighting for, because it does not affect you. Personally, it has no impact on me or my program or what I do. I simply absolutely do not believe if it is off on its own it will be forgotten.

I believe the converse is true.

Mr. ANDREWS. Thank you very kindly.

Next, Mr. Herzog, executive director, Mountain Plains Youth Services Coalition, Pierre, S. Dak. That is a runaway project, is it not?

STATEMENT OF DOUG HERZOG, EXECUTIVE DIRECTOR, MOUNTAIN PLAINS YOUTH SERVICES COALITION, PIERRE, S. DAK.

Mr. HERZOG. Yes, sir. The Mountain Plains Youth Services Coalition is a fairly new program. It is basically an alliance of small, rural programs in North and South Dakota, Wyoming, and Montana.

What I would like to do is try to present some perspectives from the point of view of community-based programs in both participating and nonparticipating States and very rural States.

We sponsor a network of 10 community-based runaway programs in that part of the country. It is interesting that in a State like South Dakota that does not participate in the Juvenile Justice Act, we have been able to have considerable impact in terms of deinstitutionalizing status offenders, particularly runaways, through this network.

In South Dakota right now, for example, we are providing, through four programs funded through the Runaway Youth Act, services to more runaways than what the court would see there, and there is no reason for them to deinstitutionalize status offenders. In fact, in the last 6 months, our activity has jumped to where we are seeing between 95 and 110 runaways per month.

I think the court last year saw less than 200 runaways. So I would like to call to your attention that even in the nonparticipating States, the Runaway Youth Act can have a considerable impact, at least in the area of deinstitutionalizing runaways.

Just a couple of recommendations:

It was not until yesterday that I noticed there is some discussion of changing the allocation formula. That would have a very negative impact in these rural States. We are presently getting $122,000 between South Dakota and Montana. That is really not adequate to do the job, either. If some formula is adopted based on the size of the State, I think you know our program would go down the tubes. Really, it is the only program in that area that is doing anything in the way of deinstitutionalization.

Just to comment on the other part of the Juvenile Justice Act, there has been a lot of discussion about coordination with the Federal agencies here in Washington, D.C. I think it would be very helpful if you were to look at mandating that same kind of coordination on the State level.

Rural programs have real problems here when things come down, and you want a separate program for the serious offender and a separate program for the chemically dependent and a separate program for the combination and one for the delinquents and that kind of thing. We cannot afford to do this in small rural communities. We have to get the State agencies that are administering Federal moneys to look at developing some comprehensive approaches in rural communities.

Whatever happens here in Washington, D.C., between the big agencies, it would certainly be helpful if there were some mandate in the small rural States to get the agencies that administer the Federal dollars to begin to look at joint funding and some of those kinds of things.

It is just about impossible in a rural State, and I think that has a lot to do with why we are not participating in the act; there are too many demands for separate types of programs. It is impossible to fund those in communities of 10,000 to 15,000 people. It is just impossible.

I would hope you would look at that as well.

Mr. **Andrews**. Gordon?

Mr. **Raley**. H.R. 6704 would mandate participating States to submit a plan for concentration of State effort, which would address what you are talking about.

Mr. **Herzog**. I hope that would also pertain to States that don't participate in the act. You know, we have no juvenile justice commission, for example.

Mr. **Raley**. That might be a good reason perhaps to encourage you to begin to participate.

Mr. **Herzog**. This has become a very political kind of thing. I think the committee should look at those States that are nonparticipating, States that are practically all rural. The two Dakotas and Wyoming are not participating States. I think there are legitimate and serious problems, when you have sparse populations, to provide separate programs for the different groups.

I wish someone would look at that problem.

Mr. **Andrews**. Gordon tells me if you just don't submit a plan, you are not under the act, one way or the other; it does not affect you; is that your understanding?

Mr. **Raley**. The title III runaway program is not part of the juvenile justice formula grant program. The only way we have of influencing what happens—we can't, by legislation tell the States what to do—is if States submit a plan for formula grant money. Then we can suggest what they should do to get the money. If the State chooses not to participate, we have very little leverage in influencing what they should do.

I know the Governor of Nebraska is beginning to think about participating now. It might be a good time to encourage it.

Mr. **Herzog**. Gordon, the bulk of the money that is going into the juvenile justice programs in our part of the country is the maintenance-of-effort moneys.

Mr. **Raley**. The Omnibus Crime Control and Safe Streets Act?

Mr. **Herzog**. It would certainly improve things. If that collaborative spirit existed at the State level, with all the Federal money coming in, it would certainly improve the situation of the community-based agency that is trying to present a more comprehensive solution to the problems of the community.

Mr. **Andrews**. Do you agree, if you don't submit a plan under this act, then this act has nothing to do with your State, whether good or bad? It you don't have the program, you are not subject to anything under this act one way or the other?

Mr. **Herzog**. That is correct.

Mr. **Andrews**. What we put in the act or don't put in the act does not affect you either way. That is my understanding; is that your understanding?

Mr. **Herzog**. That is true. I am just saying there is other money that comes into the State.

Mr. **Andrews**. You would have to talk to the committee from whence those programs come, rather than this one, in order to receive any assistance toward the comprehensiveness you are speaking of.

We cannot accomplish that in a nonparticipating authority. We have no authority. This is a bill that is null and void when it reaches your State lines.

Mr. **Herzog**. I think there are some very legitimate kinds of problems in rural, sparsely populated States as to why they are not participating in the act. Earlier it was mentioned maybe some discretionary money could go into those States to develop that kind of capacity.

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Residential programs aren't the answer in a community of 10,000 to 15,000.

I don't think there has been a lot of research or a lot of technical assistance that has been coming down to rural States that will help build the capacity that might interest the State in coming into the act.

I just feel that we are really shut off from that money completely, even the discretionary money.

Mr. **Andrews**. Pat Williams, a member of our subcommittee, represents one of the districts in Montana. He has a considerbale interest in rural problems that I presume are very similar to the problems of your two Dakotas. Maybe you can get with Congressman Williams about this. He has spoken to me about some of the peculiar problems there and other legislation with which this committee deals.

The people to be served are so physically removed from each other, hundreds of miles away, with great delivery cost for service programs of any sort. So you do have peculiar problems. It is not our intention to be oblivious to them or not try to address them.

Why don't you get with Pat Williams and get him to apprise himself, and then us, of how to perhaps meet these problems, particularly if you are a nonparticipating State?

Mr. **Herzog**. I was going to say, Mr. Chairman, there is some commitment to deinstitutionalize. The commitment has not been made to reach that 100-percent goal. In fact, the most recent statistics I got said there were only 86 status offenders that were held over 48 hours in the entire State; yet we are still not getting any money. We are probably a lot closer to compliance than many States that are participating.

Mr. **Andrews**. You only have to be 75 percent within 3 years, which means you probably would qualify now.

Get with Pat Williams or the staff and see if they can help you. We would like to help you, but obviously this afternoon we can't work it out.

I don't understand why you are not eligible under the act, anyway. I should think that the problems to which you refer surely are not solely problems of those four or five States. My own State is similar; we have more small towns, I am told, than any other State in the Union, in North Carolina. Of course, we have some larger ones, too.

One of my associates, or colleagues, I should say, represents 22 counties, sparesely settled, in the northeastern part of our State. They are very similar to yours, I should imagine, in terms of population. I doubt that he has a town of more than 15,000 people. So he, too, has rural and small counties; yet our State seems to get along well with the act throughout the State. I suppose yours could, too. I know you have some peculiar difficulties.

Next is Mr. Sherman, executive director, Youth Network Council, Chicago.

Yours is a very different set of problems, I am sure. Did you vote yesterday?

[Prepared testimony of Arnold E. Sherman follows:]

PREPARED TESTIMONY OF ARNOLD E. SHERMAN, EXECUTIVE DIRECTOR, YOUTH NETWORK COUNCIL, CHICAGO, ILL.

I appreciate the opportunity extended to me by Chairman Andrews to appear before the Subcommittee today and share my views on reauthorization of the Juvenile Justice and Delinquency Prevention Act.

The youth work organization that I direct is a coalition of 70 community based agencies that serve over 75,000 young people and their families, yearly, in metropolitan Chicago. Their first hand, daily, contact with young people "at risk" is a continual reminder of the importance of the Juvenile Justice and Delinquency Prevention Act and its sometimes controversial, but critically important, mandate for Juvenile Justice reform.

For the past ten years I have worked in the field and observed the shifting winds of program popularity and political expediency dictate the direction for our Juvenile Justice system. At no time in recent memory has the groundswell of support for repressive measures been so strong. Particularly disheartening is the endorsement of simple minded and dangerous panaceas by the usually enlightened academic and planning community. The insecure public mood and the comforting effect of the scare tactics of law and order types have significantly silenced the voices of rationality and reason.

This past January, in my home state of Illinois, one of the most repressive pieces of Juvenile legislation, The Habitual Juvenile Offender Act was enacted with no legislative opposition. The Act calls for the institutionalization of a youth convicted for a third felony from a select group of felonies including purse snatching, to the age of 21 with no option for probation or parole. Many states have lowered the age for binding youth over to the adult system to the early teens. Dozens of similar bills are currently pending.

In spite of all the enlightened rhetoric to the contrary, we are locking up more young people in this country than ever before and more per capita than any country in the world keeping such statistics, other than the Soviet Union and South Africa.

One bright spot has been the Juvenile Justice Act. It has led to specific legislative reform in Illinois as well as over 30 other states. It's charge of deinstitutionalization of status offenders and separation of adults from juveniles in jails and institutions has been a long awaited mandate for reform in juvenile justice policy and practice. The Act currently funds 182 projects throughout Illinois. The projects, for the most part, are creative and accessible "first contact" grass roots, community programs.

But the Juvenile Justice Act has not gone far enough. Illinois is currently in compliance with the Juvenile Justice Act. As a state in "compliance", let the following statistics speak for themselves.

(1) In fiscal year 1979 there were 9,212 yound people confined in county and municipal jails.

(2) Between July 1978 and June 1979, 701 juvenile offenders and non-offenders were held in Illinois jails without adequate separation of adults and juveniles.

(3) In fiscal year 1979 there were 5,385 inmates in Illinois prisons between the age of 17–25.

(4) There are only 13 counties out of 101 in Illinois with Juvenile Detention Centers.

(5) In fiscal year 1979 of the 9,212 young People confined in jails, 2,256 were non delinquents.

(6) In fiscal year 1979 the state as a whole saw a reduction in the detention of status offenders, but at the same time at least 8 counties experienced an increase.

This "tip of the iceberg" data cannot convey the damage to the human spirit and the untold waste of the challenging, creative minds of our young people at the hands of our Juvenile Justice System.

The institutionalization of our country's young people does not give us a safe society. Research shows to the contrary, that, for example, the 15 states building the most institutional beds had the highest increase in crime rates and the 15 states building the fewest beds had the lowest increase in crime rates.

Pennsylvania and Texas, roughly equivalent in population provide another graphic illustration. While Texas has 3 times as many people in jail (38,000) than Pennsylvania, it also has 2½ times the murder rate and 2 times the rape rate. There are currently 730 correctional institutions being proposed to be built across the country. The estimated $6 billion expenditure will be at the expense of community based programming.

Our nation is losing confidence in our youth and our ability to help people change. As Curtis Bach, the learned Pennsylvania Supreme Court Judge, so eloquently stated "when any nation has lost its will to restore, that nation has lost its soul." We cannot afford to lose our soul.

The Juvenile Justice and Delinquency Prevention Act must be strengthened. Effective Juvenile Justice intervention requires a sympathetic legislative atmosphere, administrative tolerance and an adequate, stable funding level.

The Juvenile Justice Act can provide more aggressive, supportive, and unyielding leadership for the kinds of client service programs, community development activities, and institutional reform necessary to protect our communities while also assuring justice for our young people.

The following are specific recommendations on how the Juvenile Justice Act can be made more responsive to, and effective in, assisting troubled young people and their families.

(A) SERVING THE YOUNG PERSON WHO COMMITS SERIOUS OFFENSES

There should be no separate program or initiative focused exclusively at this category of young people. Programs targeting this population are often developed in a vacuum. They reinforce negative labeling. They are often administrated separately from other agency service programs. It is difficult to generate community and political support for these separate and highly visable programs. What works for other young people will work for the vast majority of youth community serious offenders.

Those same program elements need to be more structured, intense and longer in duration. The exposure of young people to charismatic leadership and significant individual relationships is crucial for the healthy development of all youth. All Juvenile Justice Act recipients should demonstrate in their project proposals the capacity to serve all youth in need and specifically, how they will integrate the youth who commits serious offenses into their overall service plan. Special bloc grant incentives should be offered for organizations to develop more comprehensive service programs.

(B) PUBLIC EDUCATION AND INFORMATION

A massive public education and information campaign should be undertaken. The community needs to have more timely and accurate information concerning the problems confronting its young people and the resources necessary and/or currently available to meet youth needs. Child abuse, and drinking and driving campaigns have significantly educated the public and have demonstrated positive impact. A campaign approach like: "Juvenile Delinquency if you ignore it, it won't go away. To find out what you need to know or what you can do to help your community and its young people please contact ————," can be of tremendous assistance in building citizen support and understanding for justice system reform and improvement of services for youth and families. This recommendation is particularly important for poor, black, latino, appalachian and other minority communities where assistance in understanding and negotiating the system is critically needed.

(C) REMOVAL OF YOUNG PEOPLE FROM JAILS

The Juvenile Justice Act should mandate the removal of all youth from jails and lockups. Arizona, Connecticut, Rhode Island and Ohio now prohibit by law the detention of juveniles in adult facilities. 500,000 young people, yearly, are held in adult jails. It has long been a tenet of our juvenile justice system that young people require special protection when they come in contact with the criminal justice system. A full range of alternatives are needed, including improved services for youth in their own homes, improved educational based services, shelter care, outreach intervention, foster homes and home detention programs. The Juvenile Justice Act should mandate 75 percent compliance within 3 years and 100 percent compliance by the fifth year.

(D) DECODIFICATION OF STATUS OFFENDERS

The Juvenile Justice Act should provide incentives to states for the decodification of status offenders. Our juvenile justice system has been ineffective in dealing with this population. Status offenders can be successfully served by local communities if proper resources are made available. The chronic serious offender issue is a red herring. The abuses suffered by the vast majority of non-delinquent youth at the hands of our justice system far outweigh the "dangers" offered by a relatively small group of youth who appear to be ungovernable. The Juvenile Justice Act should provide funding, model program and legislative incentives for serving non-delinquent youth in community based, non-judicial programs.

(E) CREATION OF AN OFFICE OF YOUTH PARTICIPATION

The Juvenile Justice Act should create a special office for youth participation. The best delinquency prevention strategy is the encouragement of responsible youth development. Youth participation, development and enablement programs are necessary and desirable. Our history and experience in Illinois has convinced many skeptics that providing young people with access to meaningful roles and involvement in decision making that affects their lives is a significant and underutilized delinquency prevention opportunity. A national effort should be undertaken by the Office of Juvenile Justice and/or the Youth Development Bureau to provide research, model programs and funding incentives for the creation of youth participation projects nationwide.

(F) INCREASED SUPPORT FOR COMMUNITY DEVELOPMENT AND SYSTEMS ADVOCACY ACTIVITIES

The Juvenile Justice Act should provide incentives through bloc grant support for a balanced program of client focused services and community advocacy activities. Many programs created by the Juvenile Justice Act during its five-year history have begun to stabilize and be accepted by communities. These organizations should be empowered to confront non-productive institutional policies and practices that contribute to young peoples' dysfunction and undermine efficient and effective service delivery. The challenging of community systems and institutions is long overdue. A stable, tolerant, and supportive funding base should be created to begin to adequately address the role support systems play in shaping the lives of our young people. The Juvenile Justice Act should require states to develop, as part of their annual plan, programs that deal directly with juvenile justice, school, political and social service policies that adversely affect the lives of young people and their families.

(G) OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION POLICY AND ADMINISTRATIVE RECOMMENDATIONS

(1) The independence of the office should be established.

(2) The maintenance of effort funds from LEAA should be transferred to the Office of Juvenile Justice and Delinquency Prevention.

(3) The National Advisory Committee's role in the area of policy, standard setting, monitoring and oversight development should be strengthened.

(*a*) The ⅓ youth membership should be maintained.

(*b*) The lowering of the age of youth representation to 24 is supported.

(*c*) Adequate training and orientation for youth and nonprofessional appointees should be mandatory.

(4) The reauthorization period should be for five years.

(5) The appropriations level for fiscal year 1981 should be $140 million.

(6) The National Institute for Juvenile Justice and Delinquency Prevention should be maintained.

(7) Enforcement of the current language of 100 percent deinstitutionalization of status offenders by the end of the fifth year of Act participation should be maintained.

(H) RUNAWAY YOUTH ACT POLICY AND ADMINISTRATIVE RECOMMENDATIONS

(1) A National Consumer Advisory Committee should be created.

(2) RYA funds should be distributed to states based on under 18 population data.

(3) Closer ongoing coordination between OJJDP and YDB should be required.

(4) Legal resources should be made available to grantees to deal with local licensing, standards, confidentiality, police, juvenile court and child welfare practices.

(5) Closer policy liaison should be maintained between YDB and state officials concerning the special problems and needs of runaway and other homeless youth.

(6) The RYA should remain housed within HEW as long as program integrity, independence and coordination with other federal youth programs is maintained.

(7) The reauthorization period should be for five years.

(8) The FY 1981 appropriation should be $25 million.

(9) A yearly competitive renewal process should be instituted.

(10) The current 90 percent federal, 10 percent local match requirement should be maintained.

THE YOUTH NETWORK COUNCIL

WHO ARE WE?

The Youth Network Council is a confederation of community-based youth serving agencies representing the metropolitan Chicago area. Each member agency of the YNC is based firmly in the community it serves and encourages youth participation on its governing body. Many of these organizations were founded, in the late 1960's, when it was found that youth were not responding to conventional service institutions. These organizations are guided by and committed to a youth development philosophy.

HOW DID WE COME TOGETHER?

The Youth Network Council of Chicago, like many of the movements of the late 1960's, began with little money and no staff. In January, 1971 nine such agencies came together and initiated a network, formal forum, for non-traditional youth-serving agencies. One year later this organization incorporated as the Youth Network Council of Chicago.

HOW ARE WE STRUCTURED?

Structurally, YNC is non-profit corporation comprised of a Board of Directors and a professional staff, both working with the total membership to implement various YNC projects. Council membership determines the policy which guides the Board of Directors, YNC staff, and YNC advisory committees.

Monthly membership meetings are held at YNC offices at 1123 W. Washington Blvd., where advisory group sessions are attended by YNC members on the basis of their interests in such topics as advocacy, training, youth participation and temporary housing for runaway youth. These meetings allow the YNC to facilitate the coordination and improvement of services to Chicago-area youth.

HOW DO WE HELP?

Since its inception, YNC has provided extensive resources for locally-controlled youth service agencies. To affirm its commitment to grassroots, community-based agencies, the YNC provides training and technical support; develops and coordinates resources; shares information on behalf of its member agencies; and actively works towards youth service reform and improvement.

Now, as then, program needs and gaps are identified by YNC's member agencies, member committees, and staff. Together they work toward articulating the needs of youth in the Chicago metropolitan area and insuring that gaps in services are filled by appropriate institutions.

GUIDING PRINCIPLES OF THE YOUTH NETWORK COUNCIL

PREAMBLE: **As a coalition of community-based youth work agencies committed to the improvement of the quality of life for young people:**

The Youth Network Council of Chicago believes that young people are capable of making responsible decisions affecting their lives and will be supported in their effort to effectively participate in impacting institutions and system that influence their lives.

1. The YNC supports services to youth and families which are high quality, equally accessible to all, non-stigmatizing and community based.

2. The YNC supports services to youth provided in the least restrictive and coercive manner possible.

3. The YNC supports youth and youthworker participation on all public and private youth services oversight, advisory, and decision making committees.

4. The YNC supports funding for services to youth which are stable and equitably distributed.

5. The YNC supports youth service policies and practices which are youth development in approach and prevention oriented.

6. The YNC supports youth service policies and practices which are non-discriminatory and affirmative action oriented.

7. The YNC supports the development and public dissemination of accurate and positive information about the needs, concerns and endeavors of young people.

8. The YNC supports the development of a broadly based National Youth Work Organization and a National Youth Lobby based on state and local coalition development and participation.

9. The YNC supports and will engage in activities to ensure that the rights of youth people and their families are protected, and that the service resources they are entitled to are provided and are continually accessed and upgraded.

10. The YNC supports programs and services developed and run by youth.

11. The YNC supports the creation of a Bill of Rights for Youth.

12. The YNC supports salary parity for youthworkers comparable to other human service providers so as to insure quality services.

13. The YNC supports the development of a youthwork standardizing and accrediting process which is accepting of non-traditional evaluation measures and is experientially based.

14. The YNC is committed to and will actively work towards the implementation of the above principles.

Youth
Network
Council

1123 West Washington Blvd./Chicago, Illinois 60607/(312) 226-1200

STATEMENT OF ARNOLD E. SHERMAN, EXECUTIVE DIRECTOR, YOUTH NETWORK COUNCIL, CHICAGO, ILL.

Mr. SHERMAN. Yes, I certainly did. I had the first ballot in my precinct yesterday morning at 6 a.m.

I have submitted to your staff written comments, and what I will attempt to do is summarize those salient points about that testimony.

My comments are based on 10 years of experience in community-based youth work. Currently my organization operates one of the largest runaway youth projects in the country, serving over 2,000 runaway youth yearly.

I do want to mention a comment in response to Judge Milligan in regard to your contacting your local judge and getting his opinion of what is going on.

I would certainly hope, based on the equal time doctrine, you will also take the opportunity to talk with the local youth service director in your State, as well as, even better, a young person who has had experience with your court system and institutional system, so that you can get a balanced perspective of what has been going on.

After running a shelter program in Judge Milligan's State for 3 years, 1973 to 1976, we operated a program that, through a cooperative relationship with that local juvenile court, was able to serve every status offender, every runaway youth, through the shelter program and not through the local county detention center, without any significant difficulties during that 3-year period.

Mr. ANDREWS. How do you account for the different perspectives?

Mr. SHERMAN. I think our approach is to provide young people with more attention and less detention in the way we try to work with young people.

I also think there are a lot of politics involved with who is going to control the lives of young people, in the local community as well as through State agencies.

I think one of the concerns I also want to mention is around the issue—that I hope, Congressman, I can clarify the issue—of the backing off or the watering down issue that has been discussed during this testimony today.

There is a section in your bill, section 223(c)(2), which offers, as an alternative to the 75 percent institutionalization as substantial compliance, an addition that says, "or through removal of 100 percent of such juveniles from such correctional facility." That has been interpreted that States, with the passage of your bill, can come into compliance merely by removing 100 percent of the young people from secure correction facilities.

Gordon, you are shaking your head on that?

Mr. RALEY. H.R. 6704 provides a redefinition of "substantial compliance." That should not be interpreted as having anything to do with compliance with the act. Compliance within 5 years would be the most time the States would have to remove status offenders from detention facilities and from secure correction facilities.

The only thing H.R. 6704 is addressing is the definition of what "substantial compliance" after 3 years might look like. We were initially talking about describing a "good faith" effort. We based that at 75 percent compliance. We lumped detention and correction together. The only thing H.R. 6704 would do is say, when you are looking at good faith, that it could be either 75 percent of the combined categories, as it has been, or it might also be interpreted as the 100 percent removal of status offenders from secure correction facilities in 3 years. This would allow States to have 2 more years in which to fully comply.

After 5 years, 100 percent compliance has to be in both areas.

Mr. ANDREWS. The destination is the same?

Mr. SHERMAN. I appreciate the clarification because it had led to some confusion.

The salient points I would like to highlight to the committee are, one, that the Juvenile Justice Act should mandate the removal of all youth from jails and lockups. Currently there are four States, Arizona, Connecticut, Rhode Island, and Ohio, that prohibit by law detention of juveniles in adult facilities.

I think the Juvenile Justice Act was founded, based on lengthy studies that showed the juvenile justice system has been ineffective in dealing with problems of young people. Any strengthening and moving ahead from where we are is strongly supported and encouraged.

We also recommend removal of status offenders from court jurisdictions. Such an austere body as the American Bar Association, at its last conference in reviewing its standards, came within three votes of approving a standard that would direct States to look at removing status offenders from juvenile court jurisdiction; and we do support that. They have not had a particularly successful history of serving that population.

Not only should we get them out of detention and jail, but we should also let the community deal with its own problems with the resources it currently has, and, hopefully, additional resources from the act.

We support the fourth box, although it does not appear to have at first perusal an implication at the local level of programs; in the long run it certainly will.

We are concerned about maintaining the integrity of the act and equal status of the act within the Department of Justice, not to be a lower level program within the Law Enforcement Assistance Administration, but carry equal status and recognition with that office, as well as with the Bureau of Justice and the Institute for Institutional Justice.

It is important to see that as a model. It is a bright spot in many ways, along with the Runaway Youth Act, to assist us in working toward local reforms in our legislative process, as well as in our juvenile justice system.

We also are opposed to targeting of young people who commit serious offenses in any kind of categorical or special emphasis funding. Programs targeted in these populations are only developed in a vacuum; they enforce negative labeling; they are often administered from the rest of the programs and agencies that deliver.

What we have found is that what works well for other young people also works well in a community context for young people who commit serious offenses. Those same kinds of program elements need to be more structured; they need to be more intense; they need to be longer in duration.

The new private initiative, for example, in other programs that seem to work are the same kinds of focus, the same kinds of attention, same type of development of significant individual relationships and provide the young people with leadership and role models that work for other populations.

What we would like to suggest is that juvenile justice grant recipients should demonstrate in any of their projects the capacity to serve all youth in their community in need and how to integrate the more serious offender into the program operation that is consistent with the youth development in serving young people and also consistent with your mandate under the Juvenile Justice Act.

We are limited in time. I will be happy to respond to any questions.

Mr. ANDREWS. Thank you. Your statement is most directly attuned to the problems that we have. You obviously have strong and definite opinions about them.

Next, Mr. Ron Clement, executive director, Diogenes Youth Services, Davis, Calif.

[Prepared testimony of Ron Clement follows:]

PREPARED TESTIMONY OF RONALD W. CLEMENT, EXECUTIVE DIRECTOR, DIOGENES YOUTH SERVICES, SACRAMENTO, CALIF.

I am here today to speak in support of the Runaway and Homeless Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act of 1974. My testimony is on behalf of the National Network of Runaway and Youth Services, Inc. The National Network is a national membership organization of youth service agencies and coalitions active in 44 states. Network members began the first runaway houses in 1967. Network members were very active in shaping and supporting the Act in both 1974 and 1977. The National Network represents more runaway service agencies and embodies more expertise in serving runaways and homeless youth than any other association. Our efforts are augmented through coordinated efforts at the local and national levels with member agencies of the National Collaboration for Youth. This group, serving over 30 million youth annually, supports the National Network's positions as stated herein.

I have been active within the Network since 1975. For the past two years, I have served as Chairperson of the Network Board of Directors Policy, Advocacy, and Linkages Committee. In this capacity, I have visited programs and met with runaway center staff and youth throughout the country. I have become aware of the changing needs of runaway and homeless youth, the efforts by runaway centers to remain responsive, and changes in public policies affecting youth nationwide.

I am also speaking from substantial personal experience in the operation of runaway centers. For over eight years, I have been Director of Diogenes Youth Services in Sacramento and Davis, California. My agency operates two runaway centers serving urban and rural areas respectively. We provide temporary crisis housing for needy youth in both traditional shelter settings and family foster homes. We provide youth and family counseling. We work closely with Juvenile Justice and social welfare agencies to provide services for status offender youth. I have experience as both an administrator and counselor working directly with runaway youth and their families.

Based on direct experience with federal implementation of the Runaway Youth Act and through substantial consultation with the National Network membership, we take a position that the Runaway Youth Act should not be modified significantly. Any major programmatic or funding changes would cause havoc. This federal legislation has been extremely effective in meeting a goal of serving large numbers of troubled youth at reasonable cost. The Runaway Youth Act has been an incentive for local communities and states to become responsive to the needs of the underserved population of runaway and otherwise homeless youth.

However, since 1977's reauthorization, there have been some changes in the runaway youth population and needed service. These changes prompt minor modifications, and should be reflected in the Act.

We agree with the change in language identifying runaway houses as "Runaway Centers." Runaway services have responded to changing community needs and now serve youth and families experiencing a myriad of problems. They are diversifying their services in response. "Runaway centers" throughout the country have become community coordinatng centers providing referral for medical, legal, and other social service needs. The "centers" have become a valuable asset in a community effort to serve troubled, homeless youth. Yet, "runaway centers" continue to provide twenty-four hour services which are easily accessible to youth and families. Frequently, they represent a community's single crisis service.

Services enabled through this legislation have contributed significantly to meeting the needs of status offenders. Runaway centers have played a key role in deinstitutionalization of status offenders over the past six years by demonstrating that non-secure shelter care and counseling services can be effective in meeting the needs of troubled youth and families. These programs have also been very active in advocating deinstitutionalization of status offenders within local and state systems.

Although we fully support deinstitutionalization of status offenders, we are concerned that this population continue to receive special attention by the Juvenile Justice system through coordinated efforts with runaway centers. The ability of runaway centers to foster such links with law enforcement and the juvenile courts greatly enhances the ability of these groups to address problems inherent in the more serious juvenile offender.

As we begin to realize that running away or being pushed out of one's home should not be the responsibility of law enforcement and the juvenile courts, we discover that the social welfare and child protective services system is not prepared to address, the needs of these young people or their families. For example, the American Humane Association found in 1977 that youth 10 to 17 years of age represented 30 percent of all child abuse and neglect reports nationally. Yet this same age group represents only 15 percent of those child abuse and neglect cases formally responded to by local child protective service agencies. In my own agency, for example, over 50 percent of the runaway and homeless youth we serve are alleged victims of abuse or neglect. Two runaway centers—my own agency and Youth In Need in St. Charles, Missouri—are serving as national research and demonstration projects in the area of adolescent maltreatment. Runaway centers at this time represent one of the few services responding to maltreated youth. Hence, we strongly support inclusion in the Act of language requiring projects to develop working relationships with social service and welfare personnel.

Today, many more of the youth we serve either do not have a family home or, sadly enough, their home is not fit to return to. In my agency, for example, 40 percent of the youth we serve can only be described as homeless. Resources within either the traditional Juvenile Justice or social welfare systems are already at their limits. Since homeless youth are only now becoming recognized, little expertise or understanding of their needs exists. These youth frequently require longer term assistance and specialized services designed to promote a smooth transition to independent living or a return home. Many of us are now developing new services and funding for this population such as jobs programs, longer term shelter care, and independent living skills education. Runaway centers again are the single service system in this country actively moving to serve homeless youth. Hence, we are pleased to support changing the Acts' title to "Runaway and Homeless Youth Act."

Despite the fact that we are now working with many "homeless youth," our primary goal continues to be to reunite youth with their families. We are now acquiring the capacity to assist families in resolving their problems so that further difficulties can be averted. In my agency, for example, over 50 percent of the youth we shelter return directly to their families. At least another 25 percent eventually return home. 40 percent of the youth do not need any shelter but can remain in their homes and receive counseling on a drop-in basis. Fully 50 percent of those we serve participate in formal family counseling. Runaway centers are doing a good job of supporting families.

Because runaway centers serve large numbers of youth for short periods of time, we are at a pivotal point in our communities' human service systems. We must rely heavily on other agencies to serve youth after they leave our centers. We quickly become aware of the service gaps and strengths in our communities. We actively work to mobilize resources to plug these gaps. National demonstration projects are underway which document our efforts. These demonstrations are in such areas as abuse and neglect, prostitution, and unemployment. These, efforts validate runaway centers' working relationships with juvenile courts, child protective services, and traditional youth-serving programs. It is these efforts, enabled by the Runaway Youth Act, that reinforce the role runaway centers play as essential services in their communities.

Volunteer contributions play a critical role in the operation of runaway centers. Volunteers reduce operating costs and increase community involvement. Adult and youth volunteers provide direct services and outreach, and serve on Boards of Directors. Youth volunteers serve as healthy role models for runaway and homeless youth. Youth participation provides opportunities to learn, grow, and contribute. Runaway centers represent some of the best examples of effective volunteer involvement.

The National Network supports raising the maximum grant to individual centers from $100,000 to $150,000. This increase, justified by inflation alone, is necessary to maintain quality services. The Network aslo supports priority funding to programs with maximum budgets of $300,000. This ceiling will encourage and favor community-based organizations. The community-based nature of runaway services is a crucial ingredient in keeping the programs effective and responsive.

The National Network supports increasing the authorization level for the Act to $35 million per year. In order to fulfill the goals of the Act throughout the nation, this amount is required.

The National Network supports providing Runaway Youth Act funding to all states. However, in the absence of an increased appropriation, a funding formula based on youth population greatly concerns our organization. Under such a formula and at the existing appropriation level, as many states would gain as would lose funding. The benefits of such a trade-off are unclear.

If we genuinely wish to serve more runaway and homeless youth, the appropriation must be increased.

Runaway centers have been very successful in attracting other resources. We estimate the average runaway center with a Runaway Youth Act grant of $67,000 also receives at least $100,000 in other local, state, and federal grants and contracts. My agency, for example, has grown from less than $100,000 in 1974 to $400,000 today. Yet Runaway Youth Act funding remains essential and virtually irreplaceable. My agency has $100,000 in local contracts that are specifically contingent upon continued RYA funding. There simply are not other sources of money available that can or will support 24 hour crisis-oriented services for any runaway or homeless youth. Some of the more unique aspects of runaway centers are that we respond to any youth in need at any time, and that we assure confidentiality.

Runaway inflation, the drive to balance the federal budget, and local tax cutting efforts such as California's Proposition 13 do have an adverse effect on human services. Sadly enough, services for youth too often are the last funded and the first cut. There simply is no national program more important than the Runaway and Homeless Youth Act to help assure that the needs of runaway and homeless youth are addressed. At a time when we are searching for alternatives to institutionalization of status offenders, we need look no further than runaway centers. Runaway centers are the model. These programs have proven their effectiveness in all types of communities in every part of the nation. This model should be further replicated. We urge your support of this vital legislation. Thank you.

STATEMENT OF RON CLEMENT, EXECUTIVE DIRECTOR, DIOGENES YOUTH SERVICES, DAVIS, CALIF.

Mr. CLEMENT. I would like to limit my comments to title III, Runaway and Homeless Youth Act.

I would like to focus on the issues directly relating to the young people served by runaway centers. I am speaking from over 8 years of direct personal experience in serving troubled young people and families. My experience is both as an agency director and as a counselor working directly with troubled youth and families.

My agency operates runaway programs in both urban and rural settings. For the past 2 years I have had the opportunity to serve as public policy chair for the National Network of Runaway Youth

Centers. In this capacity I have had the opportunity to visit runaway programs and to meet with runaway center staff throughout the country. I think I have gained some understanding of the problems and changing needs of runaway youth throughout our Nation.

I concur with you, Mr. Chairman, that what we are looking for at this point is the fine tuning of the act. We find that the Runaway Act has done a good job and it should be allowed to continue to do so.

What we are finding in our local communities is that the young people coming to us for help have changed somewhat and the services that we must provide need to be modified, and the act should reflect what we call minor modifications.

Most strikingly today, the youth we serve are much more troubled than 3 years ago when the act was authorized. In my agency, for example, 75 percent of the youth we serve are from broken homes; over 30 percent are not attending school; nearly 25 percent are from families receiving some type of public assistance; yet less than 10 percent of the youth we work with are able to secure any type of employment.

Most strikingly, in the past year over 50 percent of the youth who came to us for help were alleged or actual victims of child abuse or neglect. Frequently we hear runaway centers are attractive nuisances, that somehow young people are leaving their homes and going to runaway centers. In my 11 years of experience, I don't find that to be the case.

What I do find to be the case today is that young people are not running to anything; they are running from very serious personal family or personal problems. Fortunately, in some communities runaway centers are there to help them stop running and begin to resolve their difficulties.

One of the most dramatic changes in the population we serve is something which was mentioned earlier as well, the great increase in the numbers of so-called homeless youth. These are youth that have been pushed out of family homes, youth on the street who don't have a home, or, most unfortunately in many cases, where the parents simply do not care.

In my agency, as many as 40 percent of the youth we serve can be described as homeless. Although half of these youth eventually return home, all need longer term assistance than is traditional in long-term programs.

We are developing longer term shelters which are necessary to help many of these youth to begin transition to independent living. Runaway centers are the only services in this country to actively address the needs of homeless youth. We very strongly support change in the title of the legislation to "The Runaway and Homeless Youth Act."

I think it is very important to note that the issue of families has come up several times today. Although runaway centers are dealing with more homeless youth, more troubled youth, our promary goal continues to be to reconcile family differences and return youth to their family homes.

In my agency—and I think it is typical throughout the country—80 percent of the youth we work with eventually return home; over 50 percent of the youth we work with participate in counseling; 4 percent of the youth we serve do not need to be sheltered but remain at home and receive service on a drop-in basis.

Runaway centers are doing a good job in supporting families. We are very glad to see language included in the act which recognizes this.

I would like to touch on a few physical issues.

We support increasing the grant size to $150,000. Inflation alone would account for this. If we are going to provide quality services, we need to provide adequate funding. We also believe it is important to retain an upper limit on the size of the program's budget. We suggest $300,000 is an upper limit. We feel this is important to encourage and support community-based effort.

One of the essential ingredients of runaway centers is that they be closely linked into and responsive to the communities. We feel the upper limit will help carry forward that effort.

We would also support an increase in the authorization level for $35 million. We feel it is essential to demonstrate a genuine commitment nationally to address the needs of runaway and homeless youth.

We are somewhat concerned about the concept of going to a State allocation formula. I would like to mention we are strongly in support of the concept, but at the current appropriation level of $11 million. as many States would gain funding under the State allocation system as would lose it. As many as 11 States would receive a block grant of less than $50,000. We are unsure what the benefits to the total system would be from this kind of adjustment in funding.

We are strongly in agreement, I believe, that we need to deliver more services in new areas to runaway youth, but we believe the way that can be done is by increasing the appropriation, and I assure you we are very strongly working toward that end as well.

Runaway centers have proven in every part of the country that runaways and other so-called status offenders can be helped in nonsecure settings.

We are the model for deinstitutionalization of status offenders. Reauthorization of this legislation is essential to continue on this effort.

Thank you.

Mr. ANDREWS. Very good.

Will it be possible for any of you to remain? We only have two more witnesses. In the end, we may try to call some people back to focus in on some of the questions that have been raised, but I think that would be premature until we hear from the last two.

Next is Jacquelyn Bates, child advocacy chairman of the Association of Junior Leagues, Jacksonville, Fla., and Lee Selden, co-vice-chairwoman, children and youth task force, National Council of Jewish Women, New York City.

PREPARED TESTIMONY OF JACQUELYN D. BATES, CHAIRMAN, CHILD ADVOCACY PROGRAM, ASSOCIATION OF JUNIOR LEAGUES, INC.

I am Jacquelyn D. Bates, of Jacksonville Beach, Florida, Chairman of the Child Advocacy Committee and a member of the Board of Directors of The Association of Junior Leagues. I appreciate this opportunity to appear before you today to support the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974. The Association of Junior Leagues strongly supports the reauthorization of the JJDP Act because the legislation's goals coincide with those listed in the mission statement adopted by the Association for its Child Advocacy Program and with the Association's purpose of developing effective cirizen participation in the community.

The Association of Junior Leagues is a non-profit organization with 230 member Leagues and approximately 130,000 individual members in the United States. The Association's threefold purpose is:

To promote voluntarism;

To develop the potential of its members for voluntary participation in community affairs; and

To demonstrate the effectiveness of trained volunteers.

Its commitment to effective training programs is reflected by the requirement that every Junior League member must participate in a training program before she begins work in her community. The majority of Junior League members continue to take training courses through their years of League membership. In addition, every Junior League member must make a commitment to a volunteer position. A substantial number of Junior League members today sit on the Board of other voluntary organizations throughout the United States because of the leadership training with which their volunteer experience has provided them.

JUNIOR LEAGUE INVOLVEMENT IN JUVENILE JUSTICE

Junior Leagues have been involved with children's programs since the first Junior League was founded in New York City in 1901. Among the programs initiated and funded by Leagues have been settlement houses, emergency shelters, day care centers and well baby clinics. League volunteers have worked in a variety of social service settings as tutors, case aides and counselors. Criminal Justice was specifically designated as one of the Association's program areas in 1973 when the Association, with the assistance of the National Council on Crime and Delinquency and funding from the Law Enforcement Assistance Administration (LEAA), developed project IMPACT. This four-year project was designed to enable Junior Leagues in the United States and Canada to effect positive changes in the criminal justice system and, ultimately, to reduce crime and delinquency.

As part of project IMPACT, junior League members in 185 cities gathered data of the criminal justice system in their own communities. Delegates from all Leagues in the United States and Canada attended a four-day training institute in Houston to help them develop plans for mobilizing their communities for action in the area of criminal justice. The 150 projects generated as a result of project IMPACT utilized more than 3,000 volunteers and drew upon more than one and one-half million dollars in League funds. It is estimated that another seven and one-half million dollars in outside funding was generated by the expenditure of the League funds. Projects initiated under the IMPACT program included group homes, rape treatment centers, public education campaigns, jail counseling projects and volunteer recruitment.

Concern with young people involved in the juvenile justice system continues to be an Association priority. Juvenile justice is one of the five focus areas of the Association's five-year Child Advocacy Program. The child advocacy mission statement adopted by the Association includes a pledge to work toward the time when:

Each child will be removed from his or her natural home only when necessary and any child that is removed will be returned to his natural home or, when necessary, to another permanent home without unnecessary delay;

Each child who has committed a status offense will receive truly rehabilitative care and supervision;

Each child accused of committing an adult crime will receive a fair trial with the full rights and safeguards that an adult would receive; and

Each child, if incarcerated, will not be placed in humiliating, mentally or physically debilitating or harmful facilities, and no child will be placed in adult jails.

Junior Leagues in all parts of the country continue to support group homes, shelters for runaway youths, counseling services and advocacy councils. To illustrate the breadth of Junior League participation in the juvenile justice system, I would like to highlight a few local league programs.

Many Leagues have joined in the development of shelter and group homes for juveniles. Among those helping to establish 24-hour shelters for runaway youth or youth in crisis are two Ohio Leagues—Akron and Youngstown; three Connecticut Leagues—Greater Bridgeport, Greenwich and Hartford; and the Junior League of Odessa, Texas. Those Leagues initiating the development of group homes for adolescents or providing services at group homes include the Junior Leagues of Dayton, Ohio; Asheville, North Carolina; Huntsville, Alabama; Knoxville, Tennessee; Charleston, West Virginia; Lafayette, Louisiana; three New Jersey Leagues—Bergen County, the Oranges and Short Hills, and Elizabeth-Plainfield; and two Pennsylvania Leagues—Harrisburg and Lehigh Valley. Many of these shelters and group homes receive funding from LEAA/JJDP.

In Montana, sixteen members of the Junior League of Billings volunteer in Project Tumbleweed, which provides emergency foster care in 24 licensed foster care homes. This project is funded not only by the League but also by the U.S. Department of Health and Human Services and the United Way. The Junior League of Billings also is one of 20 community agencies participating in the Conference Committee, a project initiated by the Judicial Youth Court Judge and Youth Court Advocacy Committee in Billings to divert youth from the Youth Court. The Conference Committee, composed of a wide cross-section of citizens, conducts hearings weekly on cases of youths accused of misdeameanors.

In Texas, the Junior League of Dallas worked closely with the Dallas Independent School District and Dallas County Juvenile Department to develop Letot Academy, an alternative program for status offenders. The program provides both an alternative school and 24-hour individualized family crisis counseling, referral services and short-term emergency shelter. League volunteers took a lead role in helping to develop the program and obtaining the federal funds necessary to establish the academy. Thirty-nine League volunteers have served at the academy since the academy began operating 16 months ago. The Junior League of Dallas provided $100,000 to develop the emergency shelter and $45,000 to pay the salary of a director of volunteers for three years. The project, which has a total budget of five and one-half million dollars, including funding from LEAA, has drawn volunteers from throughout the community, many of them retired older persons who receive training from the Junior League. Since it began, more than 300 youths have attended the alternative school and approximately 1,000 status offenders have received short-term emergency shelter.

In Denver, Colorado, the Junior League developed Juvenile Offenders in Need (JOIN), a program to provide funding, services and volunteers for the Denver Juvenile Court. JOIN is designed to relieve probation officers of many non-counseling tasks by having trained volunteers provide tutoring, transportation, recreation, clothing and referrals to doctors and dentists for youth who come before the court. The Junior League of Denver began the program in 1974 by providing $15,000 to pay the salary of a volunteer coordinator. More than 70 volunteers, including 12 League members, served the program. In 1978, with encouragement from the League, the state took over the funding of the program, and in February of this year the Department of Labor provided a grant to continue the program. Members of the Junior League of Denver continue to sit on the JOIN Board of Directors. Members of the Denver Junior League also have worked as volunteers with Project New Pride, a project that earned an exemplary rating from the National Institute of Law Enforcement and Criminal Justice and was picked for replication by OJJDP.

In North Carolina, the Junior Leagues of Raleigh, Greensboro, and Winston-Salem have provided funds and volunteers to develop advocacy groups for children. Both the Greensboro Advocates for Children and Youth and the Winston-Salem Juvenile Justice Council have been involved with juvenile justice programs. The Wake Child Advocacy Council, initiated by the Junior League of Raleigh, has cooperated with the state's Governor's Advocacy Council in developing a proposal for Child Watch, a statewide advocacy program that will focus on juvenile justice, education and social services for children, particularly foster care.

The North Carolina advocacy efforts are illustrative of the collaborative efforts in which Junior Leagues work to improve services to children. In my home state of Florida, for instance, the Florida Junior Leagues have been active in the development of the Florida Center for Children and Youth. The Leagues have contributed both money and volunteer support to the statewide organization since it was founded in 1976. The Florida Center, which also receives funds from LEAA, recently published "Juvenile Injustice: The Jailing of Children in Florida," a report that documents the plight of children caught in the juvenile justice system in Florida.

The Association of Junior Leagues also works with other national organizations to develop alternatives to institutionalization. The Association is one of 22 national organizations participating in the Task Force of the National Juvenile Justice Program Collaboration (NJJPC), a project under the auspices of the National Assembly of National Voluntary Health and Social Welfare Organizations that is funded by JJDP funds. The NJJPC's goal is to develop the capacity of national voluntary agencies and their local affiliates to serve status offenders and other youth at risk of institutionalization and to develop, through collaboration, community-based services as alternatives to detention and correctional institutions. The Junior Leagues of Tucson, Arizona, and Spartanburg, South Carolina, are active in the NJJPC programs in their communities, and the Junior League of Hartford, Connecticut, is a charter member of the Connecticut Justice for Children Collaboration.

RECOMMENDATIONS ON H.R. 6704

The involvement of Leagues throughout the United States in these juvenile justice programs has made the Association deeply aware of the need for the continuation of the JJDP Act. The stimulus of federal funds and leadership is needed to provide communities with an opportunity to improve their juvenile justice system by developing alternatives to institutionalization and implementing delinquency prevention programs. We are pleased that H.R. 6704 continues to emphasize deinstitutionalization of status offenders, mandates the maintenance of effort clause for juvenile delinquency programs as contained in Section 1002 of the Justice System Improvement Act of 1979 and encourages widespread citizen participation in juvenile justice programs. However, in line with our child advocacy mission statement, we urge that the bill mandate the removal of all juveniles from adult jails rather than merely continuing the prohibition against placing juveniles in facilities in which they have regular contact with adult offenders.

We do believe that H.R. 6704 contains several additions that would considerably strengthen the JJDP Act. Specifically, we support the addition of addiction or abuse of alcohol as an area of concern. We also support the addition of the paragraph stating that, "The juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation."

We support the addition of language stating that Congress should provide the resources to assist states and communities in developing methods to maintain and strengthen the family unit so that juveniles may be retained in their homes. This goal, as I mentioned earlier, is one of the 10 points listed in our child advocacy mission statement. We strongly support the language that strengthens the role of the State Advisory Groups by mandating that the State Advisory Groups (SAG's) shall make recommendations to the Governor and legislature at least annually on matters related to their functions, including state compliance with the requirements of the JJDP Act. We also are pleased that the bill requires the SAG's to contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system. Too often, the children involved in the system are ignored.

Further, we support the provision authorizing the Administrator of OJJDP to provide funding for on-the-job training programs to enable law enforcement and juvenile justice personnel to recognize and work more effectively with juveniles who are learning disabled. The heavy involvement of League members in tutoring and special education programs attests to the need for this type of training.

In Title III, we support the addition of language specifically allowing for the provision of a national communications system to assist runaway and homeless youth communicate with their families and service providers. We also are pleased that the problem of homeless youth is recognized by the provision to allow the Secretary of the Department of Health and Human Services to provide supplemental grants to runaway centers that are dealing with youth who really are homeless.

In addition, we strongly support the heavy emphasis on citizen involvement and participation of representatives of voluntary and community-based organizations as well as young persons in both the National Advisory Committee and the State Advisory Groups. We also are pleased with the proposal to strengthen the concentration of federal efforts pertaining to juvenile justice programs by expanding the membership of the Coordinating Council on Juvenile Justice and Delinquency Prevention to include more representatives of other departments that are directly involved with the type of youth addressed by the JJDP Act.

Despite our overall endorsement of H.R. 6704, there are some areas about which we have deep concern, especially in relation to certain definitions and the size of the advisory groups. We believe that the definition of serious crime as it pertains to juveniles is more appropriately limited to acts of violence against a person or repeated offenses of the non-violent crimes listed as "serious" in Section 5(f)(2) "(14)" of H.R. 6704. We also have strong reservations about the definitions proposed for "secure detention" and "secure correctional facilities." It is not clear how procedures designed to physically restrict the movement and activities of juveniles would be defined in federal regulations. We would prefer a definition that can be easily understood by all those who read it rather than one that is certain to be the subject of endless debate.

We also have strong reservations about the proposal to cut the size of both the National Advisory Committee and the State Advisory Groups. We do not believe that the size of either the National Advisory Committee or the State Advisory Groups should be set below 21 members. Reducing the size of either to 15 members will make it difficult to include the broad representation mandated by H.R. 6074. While we understand the desire to streamline activities, we do not believe that 21 is too unwieldly a size for either a national or state group, especially since the full membership seldom is present.

In conclusion, we strongly support efforts to provide a focus and coordination federal programs in juvenile justice. It is important that OJJDP be given the necessary resources and a high degree of visibility in its efforts to provide leadership to the efforts to improve our juvenile justice system and provide alternatives to incarceration for youths involved with the juvenile justice system. Thank you for inviting us to appear before you today.

CITIZEN GROUPS PANEL OF WITNESSES: JACQUELYN BATES, CHILD ADVOCACY CHAIRMAN, ASSOCIATION OF JUNIOR LEAGUES, JACKSONVILLE, FLA.; LEE SELDEN, COVICE CHAIRWOMAN, CHILDREN AND YOUTH TASK FORCE, NATIONAL COUNCIL OF JEWISH WOMEN, NEW YORK, N.Y.

STATEMENT OF JACQUELYN BATES, CHILD ADVOCACY CHAIRMAN, ASSOCIATION OF JUNIOR LEAGUES, JACKSONVILLE, FLA.

Ms. BATES. Thank you, Mr. Chairman.

As you said, I am Jacquelyn Bates from Jacksonville, Fla., and one generation removed from North Carolina, which seems to be one common denominator of a lot of us today. I am a member of the board of directors of the Association of Juvenile Junior Leagues and chairman of the Child Advocacy Committee. We are very pleased to have this opportunity to present testimony today on behalf of the bill, because the goals of the legislation closely support those of our own child advocacy statement and also the organizational purpose of developing effective community citizen participation.

If I may, I would like to take a couple of minutes to highlight some of the activity of the association, to give a little background, with your permission.

We are a nonprofit organization consisting of 130-member leagues in the United States and some 130,000 individual members. Our purpose is to promote volunteerism, as I said, to train volunteers for effective community participation and then through working in a variety of community projects to demonstrate their effectiveness.

The Association has been committed to children since our first league was founded in New York in 1901. Our official programmatic involvement with criminal justice began in 1973 with our impact program. A variety of projects evolved from this program, but the emphasis, particularly on juvenile justice, was carried forward by the child advocacy program which began in 1976.

The mission statement that I referred to earlier contains four statements which I think are pertinent to this bill. With the mission statement which the association adopted in the beginning of the child advocacy program, we pledged we would work toward the time when each child would be removed from his or her natural home only when necessary, and any child that is removed will be returned to his natural home or, when necessary, to another permanent home without unnecessary delay.

Second: Each child who has committed a status offense will receive truly rehabilitative care and supervision.

Third: Each child accused of committing an adult crime will receive a fair trial, with the full rights and safeguards an adult would receive.

Finally: Each child incarcerated will not be placed in humiliating, mentally or physically debilitating or harmful facilities, and no child will be placed in adult jails.

The beginning of our child advocacy and juvenile justice programs increased the number of programs that Junior Leagues were involved in, and these included a lot of programs like group homes, runaway shelters, diversionary programs, and perhaps most important, a wide range of preventive programs, particularly family strengthening programs, parenting programs, programs in which we work with young people in the school system in improving their own self-confidence which seems to be very effective as a preventive measure.

For example, I know that in your State of North Carolina the Junior Leagues of Raleigh-Durham and Winston-Salem have been active with volunteers and financial support in supporting advocacy councils throughout the State.

The Junior League of Raleigh is working with their own Wake Child Advocacy Council on a program in a statewide effort which they hope to call "Child Watch."

In my home State of Florida, the Junior Leagues have worked with a statewide advocacy group called the Florida Center for Children and Youth. We have supported this, once again, with both volunteers and financial support.

They have recently published a report which is so hot off the press that I have not received a copy, although I do have some preliminary findings on investigations of children who are placed in Florida jails, called "Juvenile Injustice."

I would like to move to the recommendations about the bill. We are committed to this area.

First of all, we are very pleased to see the continued emphasis on the deinstitutionalization of status offenders. We also strongly support the maintenance-of-effort clause for juvenile justice program funding.

We are very pleased to see the allocation of funding for family strengthening programs and for strengthening the States advisory committees.

In line with our mission statement, we would prefer to see that all children be removed from adult jails, rather than just separating from adults in the same kind of holding facilities.

We do have a concern about the definition of "serious offenders." We would prefer that this serious offender definition be applied to young people who have committed violent crimes agianst a person or who have repeatedly committed crimes; in other words, a serious of crimes.

Mr. **Andrews**. What is the language?

Ms. **Bates**. The language now is much broader. It includes a whole category—I don't have my bill in front of me, but it includes a whole category of crimes, including mayhem, car theft, larceny.

Mr. **Andrews**. Didn't we take that language from some existing law? What is the law from which that language was taken?

Mr. **Raley**. The definition used for serious crimes in relation to juveniles who commit serious crimes would be crimes defined by the FBI basically; in addition to that, the felony of kidnaping and extortion accompanied by threats of violence.

The total list of serious crime in H.R. 6704 would include criminal homicide, forcible rape, mayhem, kidnaping, aggravated assault, robbery, larceny or theft, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence and arson punishable as a felony.

Ms. **Bates**. That is the FBI index plus some additional——

Mr. **Raley**. It is not additional. For example, I suspect mayhem would probably be counted by local police departments as aggravated assault. It is just added clarification. Basically these would be the crimes that police departments refer to as serious crimes at the local level.

Mr. **Andrews**. Theft and larceny of property having a value of more than some figure, I think, should be added if we are trying to define serious crime. Petty larceny is not considered a serious crime. Theft of property of low value would not be a serious crime. On the other hand, arson, that is felonious arson, setting fire to a house, where people are living, is a serious crime.

Ms. **Bates**. In the case of larceny, I think your point is well taken about the value of what is being stolen. I think there are probably young peogle who are stealing an automobile which is worth considerably more than $50 on a one-time shot. I think the danger with this language is that someone might judge that as a serious crime and deal out a more punitive sentence.

Mr. **Raley**. Frankly, theft of a vehicle is already classified by local police departments as a serious crime. This language would simply define it so that these young people would be eligible for programs, hopefully, that would be more helpful than simply being arrested.

Every one of these is already considered a serious crime by local police departments. It has no effect on that. It has effect only for purposes of this act, which enables these young people to be put in programs.

A young person, after he stole the car the first time, would be eligible for a program and might be prevented, hopefully, from doing it the second time.

Ms. **Bates**. Could you clarify the definition of "mayhem" for me?

Mr. **Andrews**. That is maiming a human being; in other words, disfiguring, dismembering some other human being intentionally.

Ms. **Bates**. So it is your feeling that this definition of "serious crime" will allow a less restrictive interpretation for the juvenile?

Mr. **Raley**. The only effect of H.R. 6704 would be to make young people eligible for programs. We don't earmark or mandate any funds; we don't tell the State and local governments that they have to spend money for these purposes, but we do clarify that it should be one of the purposes of the act.

We are talking about the types of young people who would be eligible to participate in programs.

Ms. BATES. We are also concerned about the definition of "secure facility." We find that confusing.

Finally, we are concerned about a proposal to reduce the size of the State and national advisory committees. We applaud the desire to have a broad citizen representation. We question whether this can happen effectively if they are reduced in size.

Finally, we would support all efforts to focus attention on learning disability programs.

I appreciate the opportunity to appear before you today. Thank you.

Mr. ANDREWS. Thank you.

Trying to be helpful, I would suggest that your conception of what this bill should be is somewhat in agreement with the four gentlemen who immediately preceded you, and I think somewhat in disagreement with, say, the judge from Ohio and some other witnesses we heard this morning. We all have our backgrounds in education and experience and so forth, which I guess tend to push us toward one side or the other on this.

Then our last witness is from New York, the National Council of Jewish Women.

[Prepared testimony of Lee Selden follows:]

PREPARED TESTIMONY OF LEE SELDEN, VICE-CHAIRWOMAN, CHILDREN AND YOUTH TASK FORCE OF THE NATIONAL COUNCIL OF JEWISH WOMEN

The National Council of Jewish Women is a non-profit voluntary organization composed of 180 Sections nationwide, with 100,000 members. Individual Sections initiate volunteer community services and functions as social advocacy groups, both on their own and through Coalitions, to improve the welfare of individuals in their communities who have traditionally had difficulty representing themselves.

Since its inception 87 years ago, NCJW has been concerned with the welfare of children and youth. In 1974, the members of NCJW conducted a national survey of juvenile justice which resulted in the publication of a report, "Children Without Justice". This was followed in 1976 by a NCJW-sponsored, LEAA funded, National Symposium on Status Offenders. The symposium brought together NCJW members and other child advocates; juvenile justice and law enforcement personnel, and researchers in the field. As an outgrowth of the symposium, a "Manual for Action"—a guide to community involvement in the juvenile justice system—was prepared and widely distributed to our Sections.

Thank you for this opportunity to appear before you. I am Lee Selden, Vice Chairwoman of the Children and Youth Task Force of the National Council of Jewish Women. My statement is based on the National Council of Jewish Women's involvement in juvenile justice throughout the country, as well as my participation in State and local juvenile justice efforts.

The National Council of Jewish Women was part of the widespread citizen effort to secure passage of the Juvenile Justice and Delinquency Prevention Act of 1974. We were, again, an active participant in the reauthorization process in 1977. At our 1979 biennial National Convention, delegates reaffirmed the following National Resolutions:

To Work for Justice for Children by:

a. Working to remove status offenders from the jurisdiction of the courts.

b. Supporting the establishment of juvenile courts with justices trained to deal with juvenile offenders.

c. Ensuring that the sentences of juveniles shall not exceed those meted out to adults for the same crime.

d. Supporting a system of sentencing for juveniles convicted of violent crimes which takes into account their records and the severity of their crimes.

To promote the welfare and rehabilitation of children under court jurisdiction by working for:

a. Special services for them and their families.

b. An adequate number of community based treatment facilities as an alternative to incarceration.

We, therefore, share with you in the Congress the desire to make the implementation of the Act effective, and a true reflection of its legislative intent. It is in keeping with this desire that we support the reauthorization of the Act without substantive change.

We strongly believe that to make the extensive changes in the Act proposed in H.R. 6704 would, at this point, serve to weaken the legislative intent. The issue of state compliance with the provisions of the Act is an especially critical one here. Many states have been slow and/or reluctant to carry out the mandates of the Act; to divert youths from and to deinstitutionalize their juvenile justice systems; to provide adequate community-based services to juveniles and their families as an alternative to incarceration; and to reduce the use of secure detention and incarceration. The success of the Act in accomplishing many of these goals has depended upon the firm guidance of the Office of Juvenile Justice and Delinquency Prevention, aiding the states in their efforts and monitoring their compliance with the Act. Changing and redefining key provisions of the Act disrupts state compliance efforts rather than supporting them. We ought to be concentrating on achieving the Act's original goals before we add to, or change, them. However, because H.R. 6704 does propose a number of substantive changes, we find it necessary to comment specifically on them.

Under Section 241(a) H.R. 6704 provides for a four-year reauthorization period with appropriations of $200 million for each year. We feel that a five-year reauthorization would better allow the accomplishment of the Act's goals, and we urge an appropriations level of $200 million for each of fiscal years 1981, 1982, 1983, and $225 million for each of fiscal years 1984 and 1985.

We also support a five-year reauthorization for the Runaway and Homeless Youth Program, Section 341(a), for each of fiscal years 1981, 1982, 1983, and $30 million for each of the last two fiscal years.

Under Section 101(a), an amendment is proposed that, "the juvenile justice system should give additional attention to the problem of juveniles who commit 'serious' crimes." We strongly question both the use of the term "serious" and the definition that the legislation attaches to it. The definition is far too broad, and includes within it acts such as, larceny, motor vehicle theft, and breaking and entering—the traditional youth offenses. Though crimes, they are not the acts which so alarm the public.

The general public is concerned about what it perceives as the increasing number of violent acts which are committed by juveniles. Therefore, if the Act is to include a new group of juveniles who are involved in the juvenile justice system, it should focus on the youth who commits a violent crime, i.e., homicide, forcible rape, armed robbery, aggravated assault, and arson involving bodily harm. We agree with the proposal that the attention should be given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.

Even here, our agreement is qualified. We do not share the perception of the media and the general public regarding the supposed "violent juvenile crime wave". Available statistics indicate that the number of violent crimes by juveniles has been decreasing in recent years; and that they constitute only a tiny percentage of youths involved in the juvenile justice system. Only approximately five percent of all juvenile arrests are for violent crimes, and juvenile arrests for such crimes account for less than one percent of all arrests.

However, if a focus on juveniles who commit violent acts ends up being part of the final bill, it should not compete for the already-insufficient resources available for those programmatic efforts that are in the current legislation, such as diversion, deinstitutionalization of status offenders and other nonoffenders, and the development of community-based services for juveniles and their families.

We, therefore, oppose the amendment to Section 223(a)(10) which would provide funding for the amendment above out of Section 214(a) monies. Funds for any provision dealing with juveniles who commit violent crimes should only come from those available under the Maintenance of Effort provisions of the Omnibus Crime Control and Safe Streets Act of 1968. We feel that this is the logical place from which to draw such funds. Additionally, funds drawn from this source should be obligated in a manner that is consistent with the actual incidence of such crimes.

We fully support the amendment to Section 102(b)(1) which adds an emphasis on maintaining and strengthening the family unit. It makes good economic sense this year. With the White House Conference on Families being held this year, we find this an appropriate and significant addition.

We oppose the wording of the amendment of Section 103(12) which defines "secure detention facility." We find the definition unclear, and fear that it will create confusion and difficulties in compliance. In lieu of the definition proposed, we offer the following wording:

"The term 'secure detention facility' means any public or private residential facility which—

> "is used for the temporary placement of juveniles or others which is characterized by procedures or construction fixtures, or both, designed to physically restrict the movements and activities of its inmates;"

New Section 103(13) which describes the characteristics of a "secure correctional facility" should be amended in a fashion consistent with the above:

"The term 'secure correctional facility' means any public or private facility which—

> "is used for the placement, after ajudication and disposition, of any juvenile or other who has been ajudicated as having committed a criminal offense, which is characterized by procedures or construction fixtures, or both, designed to physically restrict the movements and activities of its inmates;"

Being a national voluntary organization whose members are dedicated to the improvement of our society through social advocacy and education, we would like to go on record in support of a strengthened role for the National Advisory Committee. We feel that with sufficient staff, and other support, the National Advisory Committee can play a more significant role in the development of juvenile justice policy and thereby better aid the Office of Juvenile Justice and Delinquency Prevention in the performance of its duties.

In light of the importance we attach to the National Advisory Committee, we would amend proposed Section 207(a)(1) by striking everything in the second paragraph between "including" and "persons with special training" and adding in lieu thereof, "community advocates, youth service workers, and legal services personnel."

In the same paragraph, we also suggest that "such as" be inserted between the words "youth" and "unemployment."

We are also in support of the amendments to Section 223(a)(3)(F) and 223(a)(8) which, in our opinion, strengthen the role of the State Advisory Groups. The State Advisory Groups, like the National Advisory Committee, are an important avenue of citizen input into the administration of the juvenile justice system. However, due to a lack of support and insufficient clarity as to their role, many of the State Advisory Groups have not been functioning in keeping with the will of Congress, as expressed in this Act. The strengthened mandate included in the amendments proposed should serve to give them a clearer role and greater input into the system.

Under Section 223(a)(10)(A) we oppose the inclusion of "education" and "special education" programs to the list of community-based programs and services for the prevention and treatment of juvenile delinquency offered under this paragraph. Education and special education programs are not consistent with the other treatment modalities mentioned in this provision and, as they are included in numerous other provisions of this Act and in other legislation, it is not necessary to insert them here.

We strongly oppose the proposed amending of Section 223(a)(10)(H). The goals for statewide programs listed under paragraph (H) comprise the heart of the deinstitutionalization provisions of the Act. The amendment as proposed would eliminate them, seriously weakening the original legislative intent. We urge that the existing paragraph (H) be retained. We are not opposed to adding the proposed amendment.

The proposed amendment to Section 223(a)(10)(I), relating to the training of law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles, is far too specific. It risks the possibility of testing and diagnosing juveniles in a manner that would not be beneficial to them. Subjecting youth wholesale to the type of examination, which will be required, will undermine the quality and validity of the results. It further runs the risk of putting yet another label, incorrectly, on an already stigmatized youth. Before a provision of this type is added to the legislation, much more thought must be given to its implementation.

We do not support the amending of Section 223(a)(14) to allow the states which are in compliance with the other requirements of this paragraph, and which have passed legislation in keeping with these requirements, to be exempt from annual compliance reporting and federal monitoring. As compliance with this Act and the passage of legislation in accordance with it are relatively new phenomena in most states, we urge the retention of annual compliance reporting and federal monitoring as a way of evaluating the effect of state legislation in accomplishing the goals set forth here.

We are strongly opposed to the proposed amendment of Section 223(c) which would allow states to come into compliance with this Act through either the achievement of deinstitutionalization of status offenders, and other nonoffenders, "or through the removal of 100 percent of such juveniles from secure correctional facilities." This overlooks the entire area of secure detention which, in our experience, affects the greatest number of youths who become involved in the juvenile justice system. Compliance with this Act must include the complete removal of status offenders, and other nonoffenders, from secure detention, as well as correctional facilities.

Under new Section 224(d) we propose the striking of the word "including" and the insertion in lieu thereof of the phrase "with special attention to."

We can see the merits on both sides of the issue regarding the existence of the National Institute for Juvenile Justice and Delinquency Prevention, which is eliminated under H.R. 6704. However, we feel that it is vital that the Office of Juvenile Justice and Delinquency Prevention maintain an independent capability to evaluate and assess demonstration projects to provide and evaluate training and to offer technical assistance where needed. These functions are integral to the functioning of the Office and it must have its own capability to perform them.

We are in agreement with the proposal made under Section 242, which establishes the Office of Juvenile Justice and Delinquency Prevention as a distinct administrative unit under the direction of the Office of Justice Assistance, Research and Statistics. We support the independence of the Office of Juvenile Justice and Delinquency Prevention, and we feel that it is best accomplished through making it a "fourth" box under the new administrative structure.

The retitling of the heading of Title III, now to be called the "Runaway and Homeless Youth Act," is one that has our complete support. The addition of the word "Homeless" to the title reflects what the real situation is. According to reports from our members who are involved in programs for runaways and homeless youth and current research, many children are "pushed out" of their homes, or are fleeing from an unhealthy and dangerous home situation, which may involve the alcoholism and drug addiction of their parents, physical abuse and neglect, and sexual abuse. The plight of young women who are sexually abused is of particular concern to us. Homeless, they become further victimized by criminals as well as by inequitable and unresponsive handling by official agencies.

Once again, I would like to express my appreciation for the opportunity to express these views.

STATEMENT OF LEE SELDEN, CO-VICE CHAIRWOMAN, CHILDREN AND YOUTH TASK FORCE, NATIONAL COUNCIL OF JEWISH WOMEN, NEW YORK, N.Y.

Ms. SELDEN. I am Lee Selden, vice chairman of Children and Youth Task Force of the National Council of Jewish Women. My statement is based on the National Council of Jewish Women involved in juvenile justice throughout, as well as my participation in local juvenile justice.

The National Council of Jewish Women supported the widespread citizen effort to secure passage of the Juvenile Justice and Delinquency Prevention Act of 1974. We were again an active participant in the reauthorization process in 1977. We, therefore, share with you in the Congress the desire to make the implementation of the act effective and a true reflection of its legislative intent. It is in keeping with the desire that we support the reauthorization of the act without substantive change.

We strongly believe that the extensive substantive changes proposed in H.R. 6704 would serve to weaken the legislative intent.

We are particularly concerned with issues surrounding State compliance. Changing and redefining these provisions are likely to disrupt State compliance efforts rather than support them.

Since H.R. 6704 does propose a number of substantive changes, we find it necessary to comment specifically on a number of them:

We feel that a 5-year reauthorization, as opposed to a 4-year period, would better allow the accomplishment of the act's goals, and we urge an appropriation level of $200 million for each fiscal year 1981 through 1983, and $225 million for each of fiscal years 1984 and 1985.

We also support a 5-year reauthorization for the runaway and homeless youth program, section 341(a), for each of fiscal year 1981 through 1983, and $30 million for each of the last 2 fiscal years.

Under section 101(a), an amendment is proposed that the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes. We, too, strongly question both the use of the term "serious" and definition that the legislation attaches to it. The definition is far too broad and includes in it acts such as larceny, motor vehicle theft, and breaking and entering. Those crimes, they are not the acts which so alarm the public.

The general public is concerned about what it perceives as the increasing number of truly violent acts committed by juveniles; therefore, if the act is to include a new group of juveniles, it should focus on the youth who commit the violent crimes, that is, homicide, forcible rape, armed robbery, aggravated assault, and arson involving bodily harm.

We agree with the proposal that the attention should be given to sentencing, providing resources necessary for informed disposition and rehabilitation. Even here, our agreement is qualified.

Available statistics indicate that the number of violent crimes by juveniles have increased in recent years and that they constitute only a tiny percentage of youth involved in the juvenile justice system. Only approximately 5 percent of all juvenile arrests are for violent crimes, and juvenile arrests for such crimes account for less than 1 percent of all arrests.

If the focus on jevuniles who commit violent acts is included in the final bill, it should not compete for the already insufficient resources available for those programmatic efforts that are in the current legislation.

Instead, funds for any provision dealing with juveniles who commit violent crimes should only come from those available under the maintenance of effort provision of the Omnibus Crime Control and Safe Streets Act of 1968.

Additionally, funds drawn from this source should be obligated in a manner that is consistent with the actual incidence of such crimes.

We fully support the amendment to section 102(b)(1) which adds an emphasis on maintaining and strengthening the family unit. It makes good economic sense.

We oppose the wording of the amendment of section 103(12) which defines "secure detention facility." We find the definition unclear and fear that it will create confusion and difficulty in compliance.

In lieu of the definition proposed, we offer the following wording:

> The term "secure detention facility" means any public or private residential facility which—"is used for the temporary placement of juveniles or others which

is characterized by procedures or construction fixtures, or both, designed to physically restrict the movements and activities of its inmates;

New Section 103(13) describes the characteristics of a "secure correctional facility" should be amended in a fashion consistent with the above:

The term "secure correctional facility" means any public or private facility which "is used for the placement after adjudication and disposition, of any juvenile or other who has been adjudicated as having committed a criminal offense, which is characterized by procedures or construction fixtures or both designed to physically restrict the movements and activities of its inmates * * *"

We would like to be on record in support of the strengthened national advisory committee and strengthening the role of the State advisory groups.

We strongly oppose the proposed amending of section 233(A)(a)(10)(h). The goal for statewide programs listed in paragraph (h) comprise the heart of the deinstitutionalization provision of the Act.

The amendment as proposed would eliminate and seriously weaken the original legislative intent. We urge that the existing paragraph (h) be retained. We are not opposed to adding the proposed amendment.

Mr. **Andrews**. You would leave the language as it is and add the amendment, rather than substitute an amendment for the existing language?

Ms. **Selden**. Yes.

Mr. **Andrews**. I don't understand the difference. I don't know much about it.

Ms. **Selden**. We feel it would be less confusing and less likely to run the danger of interrupting the intent of the act; that is, removal of status offenders from secure facilities and separation. We feel that amending the amendment that was suggested would do that. However, if you leave in the existing amendment, we have no objection to the new amendment.

We do not support the amending of section 223(A)(a)(14). As compliance with this act and the passage of this legislation in accordance with it are relatively new phenomena in most States, we urge retention of annual compliance reporting and Federal monitoring as a way of evaluating the effect of State legislation in accomplishing the goals set forth here.

In an attempt to be brief, I will not state our views on section 223(C), except to say we agree with the views expressed by Martha Bertsten of the National Collaboration for Youth.

We agree with the establishing of the Office of Justice and Delinquency Prevention as a distinct administrative unit under the direction of the Office of Justice Assistance, Research and Statistics.

The retitling of the heading of title III now to be called the Runaway and Homeless Youth Act is one that has our complete support. According to reports from our members who are involved in new programs for runaway and homeless youth, many children are pushed out of their homes or are fleeing from an unhealthy and dangerous home situation which may involve the alcoholism and drug addiction of their parents, physical abuse and neglect, and sexual abuse.

I have here a list of our section projects which include projects for runaways throughout the country. If you would care to, I will make this copy available.

Mr. **Andrews**. Thank you.

Ms. **Selden**. Once again, I would like to express my appreciation for the opportunity to express these views.

Mr. **Andrews.** Thank you very kindly, and those whom you represent, and all of you here.

That concludes our witnesses as scheduled. We are out of time, but I notice there are no votes on the floor.

If anyone has anything rather briefly that you think is important, something that might have been omitted or that you want to underline or underscore, we will be pleased to hear from you.

Again, I thank all of you who have testified and all who have attended.

I have learned rather much today, but still, obviously, I have a long way to go. I will certainly make the effort to acqauint myself and reacquaint myself by reading the statements on all the points you make, and, hopefully, we can come up with a bill that will do a good job.

I am rather proud that most people, whether they totally agree with the present law or the bill before us, feel that somehow the 1974 act and subsequent amendments have made a significant, though not a nearly complete, contriubtion to a most serious challenge for all of us.

Again, I thank you for your participation at whatever level, as well as your appearance and presence today.

With that, we will stand adjourned. Thank you very much.

[Whereupon, at 4:10 p.m., the subcommittee was adjourned, subject to the call of the Chair.]

APPENDIX

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 25, 1980.

Hon. IKE F. ANDREWS,
Chairman, Human Resources Subcommittee,
Education and Labor Committee,
Washington, D.C.

DEAR IKE: It has come to my attention that the Office of Juvenile Justice and Delinquency Prevention at LEAA has now acted to freeze 1980 funding for Ohio, Indiana and Oregon under the Juvenile Justice and Delinquency Prevention Act of 1974. In the case of Ohio this has resulted in the "escrow" of slightly over $3 million. These funds are to be held until September 30, 1980, and will be released only upon an affirmative showing that a state has achieved "substantial compliance" with the provision of the Act requiring the deinstitutionalization of so-called status offenders. This, apparently, has been interpreted to mean that 75 percent or more of these offenders must be removed from "secure detention facilities" this year.

This is especially distributing news given the certain impact the funding cutoff will have on a number of vital progrms in Ohio and elsewhere, and in light of the substantial efforts Ohio has made to comply. It is my understanding, for example, that Ohio and Oregon have now removed all status offenders from State Training Schools.

I am aware that in the next several months, your Subcommittee on Human Resources will undestake reauthorization hearings. It occurs that these hearings might provide an occasion to incorporate some flexibility into the Administration of the Act with respect to the measuring of "substantial compliance". One possible solution might be to simply adjust the 75 percent test for the current year. Clearly this would benefit Ohio and Oregon, both of which have made substantial steps toward compliance. And it would take into account certain special problems which make 75 percent an unrealistic goal for Ohio this year. Ohio treats all 16 and 17 year olds as juveniles for the purposes of this Act, and that is not the case with a number of other jurisdictions.

A modification of the 75 percent test would not do harm to the overall intent of the Act, and it would provide additional time to consider other possible modifications to the Act. Some consideration might be given for example, to a different basis of treatment for repeat (and chronic) status offenders (Ohio classifies such individuals as "delinquents", but LEAA disagrees). And, there might be a later opportunity to easing the 24-hour permissable upper limit on housing status offenders in secure facilities (72 hours might be a much more realistic goal, while still consistent with the aims of the Act).

Future speculation aside, however, I would appreciate anything you could do to help forestall this severe and immediate funding cutoff in Ohio, and I would very much appreciate having the benefit of your analysis of the problem. Thank you for your consideration, Ike, and with continuing warmest regards, I am.

Sincerely,

THOMAS LUDLOW ASHLEY,
Member of Congress.

PREPARED STATEMENT OF HON. PARREN J. MITCHELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MARYLAND

Mr. Chairman, I appreciate the opportunity to share my concerns with your Subcommittee as you move to address the problems of certain youth through H.R. 6704, the "Juvenile Justice Amendments of 1980," which reauthorizes appropriations for Public Law 94-273, the "Juvenile Justice and Delinquency Prevention Act."

I am particularly pleased that Section 12(d) of H.R. 6704 specifically states that those programs under the aegis of the Juvenile Justice and Delinquency Prevention Act "* * * Shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth." My concern, however, is that this language does not add enough clarity or strength to the facilitation of greater focus of the Special Emphasis Prevention and Treatment Programs on Black youth.

Sadly enough, there is concern among the National Association of Blacks In Criminal Justice, that the State Planning Agencies, to which grants are made available to provide assistance to State and local units of government for improvements on and coordination of their juvenile justice activities, have been insensitive to minorities and minority organizations. The grants process, and its technical requirements further serve to alienate minorities and other grass roots groups from adequate participation in the Juvenile Justice and Delinquency Prevention programs. According to Hallem H. Williams, Jr., Executive Chairman of the National Association of Blacks In Criminal Justice, the Office of Juvenile Justice and Delinquency Prevention offers very little, if any, technical assistance to these types of organizations. Williams stated in his recent testimony before the Senate Judiciary Committee that, "Apparently it is this office's assumption that because a group or organization does not have in its employ a cadre of staff skilled in the art of grantsmanship they do not possess the wherewithall to deliver services for youths in ways which are sensitive to the needs of Black youths and their families, and those of the system * * *"

The National Association of Blacks In Criminal Justice also finds that there is only an insignificant number of Blacks in policymaking or midlevel positions within the Office of Juvenile Justice and Delinquency Prevention (OJJDP). This certainly is not feasible when the target population of the program is supposed to be minorities and poor youths.

It has been recently brought to my attention also that the OJJDP programs tend to benefit white middle-class youngsters more so than disadvantaged or minority children. This is so because most programs outside the scope of OJJDP are implemented by non-profit organizations that typically do not serve the urban minorities. Consequently, the poor, urban, minority youth must rely even more heavily on OJJDP programs. The failure of these programs to be responsive by providing effective rehabilitation for these youth, reinforces a policy directed toward the imposition of harsher treatment of juveniles, including lowering the jurisdictional age to make youth accessible to heavier judgments of the adult court.

If I may, I would like to refer to the recent testimony of Robert L. Woodson, Resident Fellow, The American Enterprise Institute for Public Policy Research, before the Senate Judiciary Committee. Woodson ended his testimony by citing "* * * a few briefs from the OJJDP budget * * *" which support charges that this office and its programs have been unresponsive to Blacks.

A review of OJJDP's fiscal year 1980 plan indicates a continued indifference to the needs of minority communities, and shows a plan which ignores the needs of millions of American citizens for new and innovative ways to control and prevent youth crime.

Technical assistance.—Of the $5 million expended over a three year period, no money has gone to minority firms.

Research.—Of the $37 million expended over a three year period (1975-79), not one minority individual college or university has received funds.

Status offender initiative.—Less than 30 percent of the youngsters served were minority, despite the fact that the bulk of the OJJDP funds are spent in this effort.

Restitution initiative.—Of the forty-one programs funded, less than 20 percent served minority youngsters.

I am hoping that your Subcommittee will realize the dire need to incorporate stronger language into your bill so that the Office of Juvenile Justice and Delinquency Prevention programs may begin to forthrightly target more efforts toward the Black community. It is my understanding that proposed amendments may be presented for consideration by your body to correct discrepancies in this vital area. Please do not ignore the critical nature of these amendments as you continue to address youth problems.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 27, 1980.

Hon. IKE F. ANDREWS,
U.S. House of Representatives,
Washington, D.C.

DEAR IKE: The Education and Labor Committee will soon act on legislation to reauthorize the Juvenile Justice and Delinquency Prevention Act. At that time, an amendment will be offered which is of vital importance to California.

During my six years in the California State Assembly, I served on the Criminal Justice Committee, which had jurisdiction over all criminal and juvenile justice issues. I also authored the first comprehensive reform of the state's juvenile justice law to be enacted by the Legislature in over a decade.

While California has always been a leader in progressive legislation, this measure struck an important balance in the juvenile justice system, by providing stronger treatment for violent offenders, and offering various diversion and alternative programs for younger, non-violent offenders.

I mention this background, so that you can appreciate my personal involvement and commitment to this system.

Unfortunately, there has been a three year dispute between the California Youth Authority and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) which threatens to terminate federal juvenile justice funding for California. When Congress last reauthorized this act, it required each state's juvenile justice plan to provide "that juveniles alleged to be or found to be delinquent, shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges" (sec. 223(a)(13)).

In short, for California those under 18 shall not be confined in facilities with adults—18 or over—who have either been charged or convicted of crimes. This issue, and its interpretation have created great hardship for a state which I believe has the most progressive youthful offender system in the nation.

For over 35 years, the California Youth Authority (CYA) has operated as the disposition of last resort for the juvenile courts, and as a more rehabilitative and less punitive alternative to state prisons for adult offenders under the age of 21.

Rather than simply age or court of commitment, California has established a youthful offender system which makes placement based upon individual assessments of behavior patterns, background, severity or offense, and potential for educational and vocational training.

Clearly, the objective of congressionally mandated "separation" was to remove juveniles from adult jails. This provision did not address itself to the youthful offender concept, and the Office of Juvenile Justice and Delinquency Prevention has up to now been unwilling to consider the unique situation which exists in California, and to exempt the Youth Authority from this requirement. As a result, California has been cited as not complying with the intent of the Juvenile Justice Act, and federal funds are presently being withheld.

Discussion between the Youth Authority and OJJDP have established the merit of the initiatives which have been taken to provide rehabilitative alternatives for young adults, who otherwise would be remanded to state prisons. OJJDP does not feel that it has the authority to recognize and sanction a youthful offender system as meeting the requirements of the act.

The proposed amendment would give OJJDP the authority in limited instances to waive the separation requirement when the intent has been met through a progressive youthful offender system.

I believe that it is important that no state be penalized for moving toward juvenile justice systems which recognize the needs of the individual offender, rather then rely on an often arbitrary age differential.

I am obviously not advocating a system where offenders age 14 and 24 are comingled, but there is little merit to altering a successful system to achieve a separating of youths who differ in age by a matter of months.

I want to emphasize that I have had personal experience and exposure to the California Youth Authority, and can attest to the positive accomplishments which they have made. I should also point out that federal funds for juvenile justice are not used by the Authority, but are instead passed on to community based organizations which are working to prevent delinquency, and provide needed alternatives.

I hope that you will give this important amendment your support, and if your have any questions, please let me know.

Sincerely,

Julian C. Dixon,
Member of Congress.

Prepared Statement of Michigan Advisory Committee on Juvenile Justice (SAG)

The committee as authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 is composed of lay and professional people involved in the juvenile justice area. Their representation is broadly based to include the Director of the Michigan Department of Labor, a Chairman of a Board of County Commissioners, a Prosecutor, a Sheriff, a representative of the State Police, a Juvenile Court Judge, youth members, private and public agencies, representatives of the volunteer sector and university faculty members, and a state legislator. Our chairperson, Ilene Tomber, is a past president of Michigan's League of Women Voters and is also Vice Chairperson of the Michigan Commission on Criminal Justice.

Throughout our testimony you will see that the concern of the Committee is that the focus and intent of the Act not be changed extensively and that its emphasis on development and coordination of community based programs be continued to ensure that there is change in the treatment of delinquent and status offenders. That and its deinstitutionalization requirements and monitoring have been of great benefit to the State of Michigan.

The money provided by the Juvenile Justice and Delinquency Prevention Act has enabled Michigan to put in place programs that have removed juveniles who are charged with being status offenders from secure detention and instead place them in community based programs designed to help both the juvenile and his/her family avoid further contact with the juvenile justice system. But in addition to providing these programs, the Act has been the major impetus toward helping change the policy and philosophy of the juvenile courts, the agencies that deal with juveniles and the community, toward a more humane and productive way of dealing with the problems of young people who are headed in the direction of delinquent behavior.

By setting up the mechanism of the state advisory groups, the Act has enabled us to bring together in a working relationship, for the first time, all the interested parties of the system and representatives of interested citizen groups. The Advisory Committee in Michigan has been an effective force in helping to shape opinion and policy to implement the intent of the JJDP Act.

Michigan has been able to reach 75 percent compliance with the deinstitutionalization requirement and is working toward 100 percent compliance. At the same time work has begun on a major initiative in the prevention area, revision of the state juvenile code, evaluation of the state institutional needs for additional secure beds, a regional detention plan and a review of existing state programs in all areas with the aim of setting up a model evaluation for such programs. All these activities have been undertaken by the state advisory committee staffed by juvenile specialists at the state planning agency.

Prompt reauthorization of the JJDP Act with adequate funding and a separate and accountable Office of Juvenile Justice Delinquency and Prevention under the OJARS administration is essential to continue the work that we have begun so successfully in Michigan.

The following detailed positions presented in this testimony were developed by the Advisory Committee after careful analysis of what would be, in our opinion, the most effective rewrite of the Act.

OJJDP

It is our concern that the primary focus of any change in the position of OJJDP be directed toward a consolidation and strengthening of juvenile justice initiatives with the sphere of the Department of Justice. To that effect, we would recommend that OJJDP become a separate entity parallel to LEAA under OJARS. Such a change would expand the mandate and accountability of that office. We feel that a separate statutory basis would, as well, place emphais on the often unique responsibilities in the juvenile justice area.

It is also our strong recommendation, understanding that the establishment of OJJDP as a co-equal entity would change the relationship of the two agencies, that OJJDP continue to administer and set policy direction for LEAA juvenile delinquency programs. No matter where the offices are located, juvenile justice issues should be guided by OJJDP with consultation and approval of the LEAA administrator.

We would further suggest that the NIJJDP (National Institute for Juvenile Justice and Delinquency Prevention) should remain separate. Although there is some possibility of a duplication of effort with the other research agencies, we are again concerned that the often separate thrust of juvenile justice concerns not be weakened.

AUTHORIZATION

Recognizing the obvious budgetary strictures present in the 1980's, we would still wish that there be increased provision of funding. Our group suggested that funding be $200 million in the first year, $225 million in the second, to reach a level of $250 million in the last period of the authorization. If OJJDP should remain within LEAA, we would recommend that juvenile justice programs retain their identity and priority.

We also recommend the extension and reauthorization of the Runaway Youth Youth Act under the office of H.E.W. or H.H.S.

MAINTENANCE OF EFFORT

We feel that the requirement for maintenance of effort funds in the JSIA greatly strengthens the juvenile justice system. We would suggest that even stronger language should be developed regarding the OJJDP administrator's responsibilities to publish guidelines for LEAA funded juvenile justice programs. We would not be adverse to the change from 19.15 to 20 percent to simplify accounting procedures. Again, our concern is that nothing be altered that would dilute efforts in the juvenile justice area.

POTENTIAL MATCH REQUIREMENT

We would support the suggestion that states be allowed to decide if there be a match requirement for programs. The concern of our Committee is that such a provision might seriously hamper the efforts of often innovative financially limited programs. The possibilities for discrimination against those private agencies that could only provide in-kind services for match might create a change in the intent of the Act as the Act was to permit the funding of private agencies.

Even with those reservations we feel it would be fiscally responsible to allow a match with certain limitations. We would recommend that should such a match be considered that it be only on the basis of a 90 percent state–10 percent agency/group match with the potential for waiver on basis of need.

COORDINATION

We consider the role of the Coordinating Council on Juvenile Justice and Delinquency Prevention to be extremely important and would suggest continuation and strengthening of the implementation of interagency programs and projects.

SUBSIDY ISSUE

We are aware of the request of the National Association of Counties for such a program to assist units of general purpose local government through the use of subsidy as could be defined in Sec. 103(14) of the Act. While we do not disagree with the needs of local governments, we believe that a centralized statewide source for funding is more efficient and effective and will not be confusing to potential applicants.

STATE ADVISORY GROUPS

We would suggest that the language of Section 223(a)3(F)ii be changed to provide that the S.A.G.'s shall advise the governor and legislature of the states. We would also wish that the S.A.G.'s be further represented somehow on the National Advisory Committee to offer more input to that group.

COMPLIANCE

While we recognize the difficulties of 100 percent compliance, we recommend that there be no change in the language of the Act so that there is no diminution of effort toward compliance. We reject the suggestion that the requirements for and terms secure detention or correctional facilities in Section 223(a)(12)(A) be modified to allow States more leeway in meeting the objectives of the Act. The inappropriate placement of a child in a detention or correctional facility, even if it is not secure, is counterproductive. It is the position of our group that the use of secure detention should be restricted to youth alleged to have committed criminal violations and should be used only for youth who:

(1) have a high risk of failing to appear before the court,

(2) represent a clear public danger.

Some have wished to amend the Act to provide that states that prohibit institutionalization of status offenders and commingling not have to be monitored unless there is a determination of failure. We would not support such a provision: the monitoring effort should not be weakened.

JAILING

In addition, the jailing of status offenders, abused or neglected children, and delinquent offenders should be completely prohibited. Youth should have the right to bail commensurate with the right of adults, including the right to request bail in cases in which his/her parents refuse it. Regarding Section 223(a)(13) that mandates that there be no commingling, we would encourage that no less emphasis be placed on that issue in the Act. Our state is in compliance with the Act as it is written.

SERIOUS JUVENILE OFFENDERS

It is our objective opinion that the focus of the Act not be changed and that the JJDPA funds continue to be used for the prevention and diversion of juveniles. We are concerned that disproportionate amounts not be directed toward the violent offender and that the definitions of a serious offender not be changed.

FORMULA AND SPECIAL EMPHASIS GRANTS

We have found the existing formula to be reasonable, but we would request a revision to 80 percent of population formula basis and 20 percent discretionary Special Emphasis funds.

Thank you for your attention to our Committee's concerns.

Claudia Gold,
Chairperson, Legislative Subcommittee.
Ilene Tomber,
Chairperson, ACJJ.

Prepared Statement of Dr. Joseph Scherer, Director, Governmental Relations, The National PTA and Mrs. Doris Langland, Parent, Falls Church, Va.

Juvenile Justice and Delinquency Prevention have been concerns of the National PTA, and the PTA supports passage of legislation aimed at improving the care and protection of children and youth. The PTA supports the Juvenile Justice and Delinquency Prevention Act of 1974, as amended in 1977, for the following reasons:

1. The legislation emphasizes the need to strengthen the family unit so that juveniles may be retained in their homes rather than be institutionalized;
2. Emphasizes prevention rather than punishment;
3. Promotes keeping students in school and prevents unwarranted and arbitrary suspensions and expulsions; and
4. Encourages new approaches and techniques with respect to the prevention of school violence and vandalism.

The PTA justifies support of legislation aimed at protecting children and youth based on its experience that juvenile crime is related to those home environments that impact on the family, i.e. distorted through death, divorce, separation or desertion of one or both parents. The PTA's concern parallels those expressed in an FBI report on Juvenile Delinquency and Crime.

The absence of one or both parents, for any reasons, results in greater responsibility being placed on the community. Often, such home environments lead to status offenders such as truancy, and truancy is a major problem among youth under age 16. Truancy may lead to suspension or expulsion from school and once separated from school the student and society become victims of "free time". Expulsion does nothing to improve a student's job training and ability to cope with the time s/he has on their hands.

Recently the PTA completed a one-year study titled "The PTA in the Urban Context." Hearings were held in Kansas City, Miami, Houston, Seattle, Philadelphia and Washington, D.C. The hearings were entitled "The PTA Challenges the Cities: What Can We Do For Your Schools?" Leaders from the business community, education leaders, Government officials, labor leaders, parents, teachers and students all testified concerning the problems in an urban environment. One of the five major problems cited was youth unemployment, which is one of the causes of juvenile delinquency and crime. Crime, violence, and vandalism were also cited as a problem. One of the solutions discussed included providing students job training.

One measure of our demonstrated concern for causes and effects of youth aggressive behavior is the existence of the highly publicized National PTA Television Violence Project. The National PTA just released results of the fall 1979 monitoring of prime time television programs. Recently, in a Chicago suburb, a family was watching an action show on television, in which one actor suffocates another with a pillow. When the show was finished, one of the youngsters takes a pillow from the living room sofa, walks over to the family dog, and presses the pillow in the dog's face. What would have happened if the parents were not in the room when this happened and it was a brother or sister and not the dog? In a very immediate way, this case history illustrates the fact that there can be a direct, casual relationship between violence seen on TV, and aggressive, hostile behavior by certain kinds of children.

Often juvenile justice is a local problem and is best dealt with in a community. Many of the problems that lead children to commit crimes include alcoholism, child abuse, neglect and lack of constructive leisure time activities. In Fairfax, Virginia a youth forum was held and one of the main problems that the kids specified was the lack of recreational activities. In early March, the District Government announced that due to budget constraints, many recreational areas, including existing facilities, would not open this summer. This will also mean a loss of jobs for area youth. When you compound these two factors, the delinquency and crime rates for people under 20 could top the 50 percent mark this summer in our nations capital.

One of the major purposes of the Juvenile Justice Act of 1974 was to prevent appropriate young people from entering our failing juvenile justice system. The National PTA supported the provision of the Act that required states to find alternatives to institutionalization for status offenders. Children who have run away from home or are charged with truancy should not be placed in jails with convicted delinquents or adult criminals. The requirement of the Juvenile Justice Act has been successful in forcing an end to this practice and we would like to see it maintained until states comply 100 percent.

It is the position of the National PTA that Congress could better serve the interests of the youth of our country be reauthorizing the 1974 Act, as amended in 1977, without 1980 amendments.

1. The National PTA is opposed to the Coleman amendment and feels it is a major setback in the process of deinstitutionalization. We feel that status offenders, such as runaway youth, should not be placed in secure facilities.

2. We oppose the discontinuation of the National Institute of Justice. This is a premature decision considering the nature of the Institute is to research and evaluate information concerning juvenile justice.

3. We question Section 223(a)(12)(A). Does this amendment mean that states can return to the practice of putting juveniles described in this section in juvenile and correctional facilities as long as they are not secure?

4. We concur with the Jewish Women in their analysis of Section 223(a)(10)(H). "The goals of the statewide programs listed in paragraph H compromise the heart of deinstitutionalization provision of the act." The National PTA feels that this specific amendment would weaken the original legislation's intent and the original intent should be retained with the amendments added to the section as paragraphs (iv), (v) and (vi).

5. The priority being placed on serious offenders is out of proportion with the actual need. The priority should be focused on prevention, deinstitutionalization of status offenders, and dependent and neglected children. In H.R. 6704, Mr. Andrews adds programs for the serious offender, but fails to authorize additional monies for carrying out these programs. We feel that more programs for serious offenders should be added, but not at the expense of existing programs.

6. We oppose section 224(a)(11). Juvenile justice and law enforcement personnel should not be in the business of labeling and identifying handicapped children. Law enforcement personnel and juvenile justice personnel should be better trained in how to work with these people, but should leave identification to those who are professionally trained.

7. The Office of Juvenile Justice and Delinquency Prevention should be a separate office under the authority of the Attorney General. Juvenile Justice gets lost in LEAA, particularly in the budget process. It seems reasonable that an office whose priority is delinquency prevention and also providing a wide range of youth services should be independent and not under the Law Enforcement Agency.

8. The PTA supports the amendments to section 102(b)(1) which focus on maintaining and strengthening the family unit. We have always been a promoter of this philosophy—which can be seen in our television violence project, parenting and many other projects.

In closing, we would like to make one recommendation to the committee. There is a lack of parental involvement in the juvenile justice system, and we recommend that there be parental representation on both the state and federal advisory councils.

We would like to thank the committee for inviting our comments, we have worked closely with the subcommittee in the past and hope to continue this relationship in the future.

PREPARED STATEMENT OF THE CHILD WELFARE LEAGUE OF AMERICA, INC.

The Child Welfare League of America, Inc., wishes to thank the Subcommittee for its work on the reauthorization of the Juvenile Justice and Delinquency Prevention Act, and especially for the introduction of H.R. 6704, the "Juvenile Justice Amendments of 1980."

The Child Welfare League of America, Inc. was established in 1920, and is a national voluntary organization for child welfare agencies in North America. It is a privately supported organization devoting its efforts to the improvement of care and services for children. There are nearly 400 child welfare agencies directly affiliated with the League, including representatives from all religious groups as well as non-sectarian public and private non-profit agencies.

The League's activities are diverse. They include the North American Center on Adoption; a specialized foster care training program; a research division; the American Parents Committee which lobbies for children's interests; the Hecht Institute for State Child Welfare Planning, which provides information, analysis, and technical assistance to child welfare agencies on Title XX and other Federal funding sources for children's services; and the Office of Regional, Provincial, and State Child Care Associations, which serves as a national office for over a thousand child welfare agencies, represented by 24 state child care associations, predominantly serving children in group care settings.

The Child Welfare League was active in the passage of the Juvenile Justice Act of 1974. Since then, we have carefully followed the implementation of the Act, most recently participating in the House Oversight Hearings before this Subcommittee. We also participated in the Office of Juvenile Justice and Delinquency Prevention's Monitoring Workshops, facilitating the relationship between the monitoring process as carried out by the State Criminal Justice Planners and the voluntary sector.

On November 29, 1979, the Child Welfare League Board passed a motion for the reauthorization of the Juvenile Justice and Delinquency Prevention Act:

"Support the reauthorization of the Juvenile Justice and Delinquency Prevention Act, and that staff proceed with the reauthorization process by giving top priority to the placement of the Office of Juvenile Justice and Delinquency Prevention within the Department which will give the program needed visibility and importance."

The League traditionally has endorsed continuation of the specific program content within more global programs approved by Congress. We have not endorsed specific administrative authority over these programs, however. The reason is that we believe both Congress and the Administration must have the flexibility to reorganize governmental structures, departments, bureaus, and offices to achieve maximum effectiveness in carrying out these programs. It should be noted, however, that our policy in respect to programs for "juvenile delinquents" has been consistent—generally we believe these to be "human services programs", rather than "criminal justice programs." And in terms of H.R. 6704's provisions for reorganization, we would support those changes which would provide the visibility for the Office of Juvenile Justice and Delinquency Prevention.

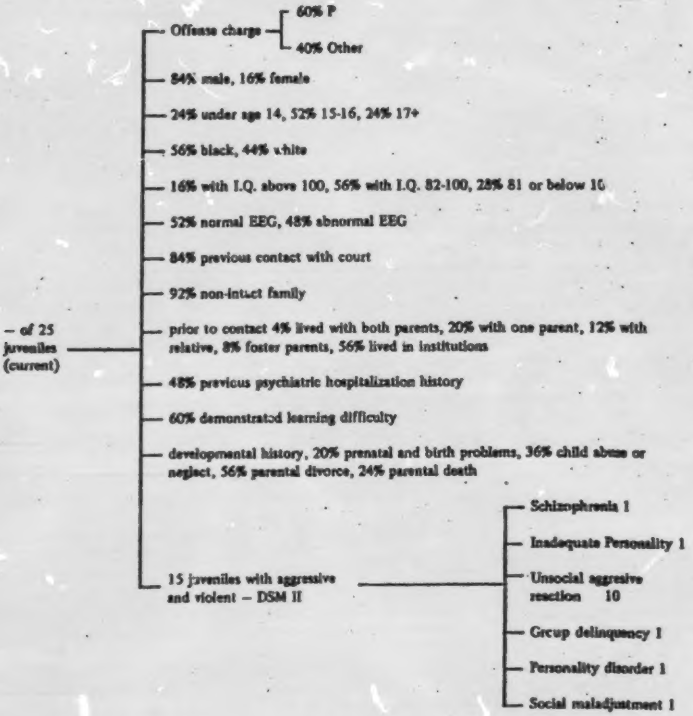
The Child Welfare League supports the inclusion of programs which would target both planning and funds to juveniles who commit serious crimes. However, we urge the Subcommittee to restrict the definition to those juveniles who commit murder, forcible rape, robbery, aggravated assault, and arson involving bodily harm.

The Child Welfare League believes that the inclusion of servies to alcoholic and learning disabled youths is an improvement which will hopefully encourage new programs and research into two areas which directly relate to the prevention of juvenile delinquency.

We would like to point out that in the 1978 "Report and Recommendations of the Governor's Task Force of Pennsylvania," [1] the assessment of the juveniles referred by the Allegheny County Juvenile Court shows that 60 percent of them demonstrated learning difficulty, 60 percent of them showed aggressive and/or violent tendencies, and 48 percent had previous psychiatric hospitalization history. These findings of this limited study are borne out by Paul Strasburg in his work, *Violent Delinquents*, in which he describes some of the "building blocks" for violent behavior: learning problems, poor impulse control, and lack of an intact family.[2]

C. Another Microscopic View of the Juvenile Population Universe of Concern to the Task Force

Based on the comprehensive neuropsychiatric assessment of 25 juveniles, referred by the Allegheny County Juvenile Court, who were in residence at the Shuman Center Detention Program, the below profile of the following emerges.


Offense charge
60% P
40% Other
84% male, 16% female
24% under age 14, 52% 15-16, 24% 17+
56% black, 44% white
16% with I.Q. above 100, 56% with I.Q. 82-100, 28% 81 or below 10
52% normal EEG, 48% abnormal EEG
84% previous contact with court
92% non-intact family
– of 25 juveniles (current)
prior to contact 4% lived with both parents, 20% with one parent, 12% with relative, 8% foster parents, 56% lived in institutions
48% previous psychiatric hospitalization history
60% demonstrated learning difficulty
developmental history, 20% prenatal and birth problems, 36% child abuse or neglect, 56% parental divorce, 24% parental death
15 juveniles with aggressive and violent – DSM II
Schizophrenia 1
Inadequate Personality 1
Unsocial aggresive reaction 10
Group delinquency 1
Personality disorder 1
Social maladjustment 1

"Report and Recommendations of the Governor's Task Force on the Mental Health of Juvenile Offencers," December 1978.

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[1] "Report and Recommendations of the Governor's Task Force on the Mental Health of Juvenile Offenders," December 1978, p. 33.

[2] Paul Strasburg, "Violent Delinquents," a report to the Ford Foundation from the Vera Institute (New York: Monarch, 1978), pp. 78–79.

We believe that continued or new emphasis, and therefore added funds could be used to focus on juvenile gangs, increased programs for minorities, research into the casualty of learning disability to delinquency, and most importantly the inclusion of mental health services in the juvenile justice system. We would submit that many of these areas could be enhanced by a new kind of state planning, thereby utilizing existing funding. In most states, the juvenile justice system, the mental health system, and the social service system exist independently of one another—and certainly do not undertake joint planning in the area of service delivery. Therefore, we urge the Subcommittee to incorporate this kind of planning under Section 223(a)(8)(B), the State Plan section of the Juvenile Justice and Delinquency Prevention Act.

On March 20, 1979, the Child Welfare League of America testified before the House Subcommittee on Human Resources during its Oversight Hearings on the Juvenile Justice and Delinquency Prevention Act. The subject of that testimony was the definition of a secure detention and correctional facility in the "Formula Grant Provisions of the Juvenile Justice and Delinquency Prevention Act, of 1974, as amended: Final Guideline Revision for Implementation." At that time we urged the adoption of a definition which is now incorporated into the most recently issued Guideline:

> 52n(2)(a) For the purpose of monitoring, a juvenile detention or correctional facility is:
>
> (i) Any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders; or
>
> (ii) Any secure public or private facility which is also used for the lawful custody of accused or convicted criminal offenders.

We support the inclusion of this definition in the reauthorization of the Juvenile Justice and Delinquency Prevention Act. The definition provided in H.R. 6704 would serve to inhibit the implementation of the Act, and would once more provide an issue of disruption, which would prevent active participation in the Act.

The definition outlined in H.R. 6704 would "include procedures or construction fixtures, or both, designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility." This definition would encompass a majority of the child caring agencies in this country—agencies who under the state statute, are required to take responsibility for the youths in their facilities. There are few facilities of this kind which do not lock their doors at night for the protection of those children entrusted to their care. In addition, there are occasions when restriction of a juvenile might be necessary; however, removal from a group or group activities should be reserved for use at those times when a child needs protection from hurting himself or others.

In addition, the inclusion of the housing of juveniles accused of having committed a crime opens up the controversy around the labeling of juveniles, thereby focusing attention on the label, and not on the treatment needs of the juvenile. We would refer the Subcommittee to our testimony of March 20, 1979, and in particular to the reference from Morris Fritz Mayer's "Group Care of Children: Crossroads and Transitions:"

> The assumption that status offenses—truancy, runaway, drug abuse, alcoholism—are different from car thefts and burglary may be correct legally. Psychologically, it may not be. There are many juvenile car theives and burglars who are more readily amenable to treatment than are chronic juvenile drug abusers or vagrants.[3]

Therefore, we urge the Subcommittee to delete the amendment to Section 103 (12) as proposed in H.R. 6704. Section 103(12) should be amended to read: "The term 'juvenile detention or correctional facilities' means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult offenders."

In addition, we would recommend to the Committee that the separation mandate of 223(a)(13) be changed to require the removal of juveniles from adult jails. There has been a reaction to serious delinquents within the states which has resulted in jails now being used not only for the detention of juveniles, but to "teach them a lesson" for an undetermined period of time. Maryland bill, H.D. 1263, which went into effect on July 1, 1979, permits the incarceration of juveniles in adult jails who have been adjudicated and found quilty of serious crime. Although this bill has a sunset provision, and is experimental in nature since it applies only to Price George's County, it is important to note that one of the only deterrants for this practice is the fact that the bill is automatically voided in the event that it jeopardizes federal funding of juvenile justice and delinquency prevention programs.

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[3] Morris Fritz Mayer, "Group Care of Children: Crossroads and Transitions" (New York: Child Welfare League of America, 1977), p. 261.

The Child Welfare League does not support the weakening of the monitoring provisions of the Juvenile Justice Act as outlined in H.R. 6704's amendments to Section 223(a)(14). We believe that monitoring will be a continuing necessity, and has in many cases, not been sufficient to warrant a finding of compliance.

The Child Welfare League believes that the kind of joint planning between the social services, the juvenile justice and the mental health systems should be mirrored by the Federal Interagency Coordinating Council. Therefore, we propose that the Secretary of Education, the Commissioner of the Administration for Children, Youth and Families in the Department of Health and Human Services, and the Administrator of the Alcohol, Drug Abuse and Mental Health Administration should be added to the Coordinating Council.

We do not believe that the size of the National Advisory Committee on Juvenile Justice should be reduced to fifteen members; however, we do support the inclusion of three members who are under 24 years of age, with two of them being under the jurisdiction of the juvenile justice system.

Further, we believe that the provision requiring the state advisory groups to advise the Governor and the legislature is an important step towards unifying the state planning procedure.

H.R. 6704's amendment to Section 224, adding a subsection which provides for equitable distribution of funds to deal with disadvantaged youth, including females, minorities, and mentally retarded and emotionally or physically handicapped youths, is an excellent addition to the Act. This amendment would put the Juvenile Justice Act in synch with other Federal programs, and would give the added emphasis which is needed for programs for minorities, women and handicapped youths.

Finally, we support the reauthorization of the Runaway Youth Act, Title III of the Juvenile Justice and Delinquency Prevention Act, and we believe that the additional emphasis on homeless youths brings a realistic approach to the types of youths needing service under this Title. We commend the Subcommittee for the inclusion of the grants for a national communications system to assist runaway and homeless youth in communicating with their families.

The Child Welfare League of America supports a five year extension of the Act. However, in light of the recent budget cuts in the third concurrent budget resolution, which cut the parent organization of OJJJP—the Law Enforcement Assistande Administration and the Office of Justice Assistance, Research and Statistics—and therefore the juvenile justice program, we urge the Committee to consider raising the authorization level to include the maintenance-of-effort monies which were contained in the LEAA budget, and which provided for the administration of the Juvenile Justice Act at the state and federal level.

We would like to thank the Subcommittee for its work on this bill, and stand ready to assist the Subcommittee in its deliberations, as well as the implementation of this Act. We are optimistic about the future of the youth of our country. With relatively minimal funds in comparison to other federal programs, the states have managed a laudable task—the removal of status offenders from secure detention and correction facilities, and the separation of juveniles from adults in detention facilities. The federal mandate and financial participation has encouraged and enhanced this effort. We have learned from this effort. We believe that 1980 should be a year for all of us to review what has been accomplished up to this point, and finally, to become a model for the kind of unified effort among the service delivery community which ultimately leads to support for youths and their families, regardless of which system they enter.

PREPARED STATEMENT BY RODOLFO B. SANCHEZ, NATIONAL EXECUTIVE DIRECTOR, THE NATIONAL COALITION OF HISPANIC MENTAL HEALTH AND HUMAN SERVICES ORGANIZATIONS

Mr. Chairman and members of the subcommittee: I am Rodolfo Sanchez, National Executive Director of COSSMHO—the National Coalition of Hispanic Mental Health and Human Services Organizations. The COSSMHO network includes community-based agencies, national organizations, and professionals working to meet the health, mental health, social service, and youth service and advocacy needs of Cuban, Latino, Mexican American, and Puert Rican communities throughout the country. COSSMHO affiliates are located in over 175 cities in 30 states, the District of Columbia, and Puerto Rico. I also come before you today as Chairman of the National Forum of Hispanic Organizations, a coalition of 64 national Hispanic groups in a wide spectrum of fields, including youth services and related education and employment needs.

As you know, Hispanics are the country's most youthful population, with a median age of 22 years. Forty-two percent of all Hispanics are age 18 or younger. Yet for many of them the opportunity outlook continues to be bleak and the risk of delinquency or crime, high. Over 80 percent of our families and youth live in urban areas, most of them in innter-city areas characterized by chronic unemployment and underemployment, undereducation, lack of sufficient adequate housing, environments hazardous to health and safety, and inadequate services addressing basic social and human needs. Further, these conditions often afflict our families and youth in rural areas where resources are scarce or unavailable. Among our youth today the high school dropout rate runs at roughly 40 percent nationally, and the unemployment rate is well over 33 percent—both the school dropout rate and the unemployment rate are even more severe in cities and areas with major concentrations of Hispanics, such as Los Angeles, San Antonio, Miami-Dade County, Detroit, Chicago, New York City, and Boston. These conditions, together with increasing indications of drug and alcohol abuse, are closely associated with serious juvenile delinquency and crime among Hispanic youth. Our communities continue to grapple with these problems, but progress has been limited because the bulk of resources continues to flow elsewhere. Despite Hispanic innovations in the field, these are too few in relation to the scope of our national need.

In preparing for my remarks today, COSSMHO consulted with a wide range of youth serving agencies and experts among our membership. Comments that follow are based on these consultations and our experience. They are aimed at strengthening the Act in order to target policy and programs more effectively on the unmet needs of Hispanic youth, especially those at risk. Our concerns are also shared by other minorities and disadvantaged groups. Recently, the Office of Juvenile Justice and Delinquency Prevention has reached out to minority consultants to assess effectiveness with regard to minority youth programming; we welcome this as a first step toward improving efforts in this regard. In addition to this step, we believe that reauthorization of the Act should include provisions relating to several key issues. Below is a brief statement of these issues, followed by specific recommendations that language in the bill should address:

Targeting of funds on special youth populations at risk and on communities and neighborhoods most in need.

Strengthening and improving the capacity of ethnic, racial, and disadvantaged youth serving agencies and organizations in addressing these needs.

Increasing minority impact on state planning processes.

Increasing the knowledge base on minority and disadvantaged youth in the justice system, while at the same time increasing the availability and application of successful model programs and approaches reaching and serving these youth.

Specifically, we recommend that the Act, as reported out, address these issues as follows:

(1) Disproportionate attention is being given to non-chronic, low-risk and status offenders to the detriment of urgently needed programs for "high risk" offenders, defined as youth not usually reached through counseling, job programs, halfway homes, retraining or other forms of professional supervision, youth who are—for the most part—urban poor, and minority. For too many of these, incarceration is still regarded as the appropriate institutional response.

(2) Increased efforts are needed to divert status offenders (defined as those whose conduct would not constitute a crime if committed by an adult) from adult detention facilities. These facilities continue to be filled with minority youth adjudicated as delinquent. Community-based organizations which have the capacity to best serve these youth in terms of providing social and community supports should receive priority attention in policy and funding.

(3) Improved distribution of funds under the Act should be achieved by including criteria which would target these resources on communities and neighborhoods that have disproportionately high levels of juvenile crime and delinquency, school dropouts and suspensions. For this purpose, we urge a significant set-aside of formula grant and special emphasis funds. In the allocation of these set-asides, priority should be given to community-based programs and services concerned with the needs and interests of minority and disadvantaged youth and having

the demonstrated capacity to provide services in appropriate language and cultural contexts.

(4) As a complementary thrust, the Office of Juvenile Justice and Delinquency Prevention should increase support for projects aimed at improving the capability of ethnic and racial minority youth serving agencies and organizations—at national, regional, and local levels—to plan, develop, implement, and evaluate programs that prevent and control crime and delinquency in the above communities. Technical assistance should also be an integral part of this effort.

(5) Increased minority representation and participation in decisionmaking processes under the Act should be assured by requiring that:

State advisory groups include substantial representation of youth serving agencies, organizations, and groups working in communities and neighborhoods having disproportionately high levels of crime and delinquency, school dropouts and suspensions in the state.

In the development and implementation of the state plan, ethnic and racial minority agencies, organizations, and groups representative of the needs and interests of youth in the above areas be consulted.

(6) In order to increase the knowledge base on minority and disadvantaged youth and to promote the exchange of information on successful and innovative programs and approaches serving them, the mandate for the National Institute on Juvenile Justice and Delinquency Prevention should be expanded to include:

Research and state-of-the-art reports on the needs and status of these youth in the justice system.

The collection and dissemination of information of model approaches and innovations developed and utilized by youth serving agencies, organizations, and groups having extensive experience in reachin gand serving these youth.

In closing, I would like to thank you for this opportunity to testify today. I hope that the recommendations included here will be given your serious consideration. I respectfully request that my entire testimony be made part of the record.

Prepared Testimony by Charles D. Weller, Director, Denver Anti-Crime Council, on Behalf of The National Association of Criminal Justice Planners

On behalf of the National Association of Criminal Justice Planners, I am pleased to provide to you the Association's comments on reauthorization of the Juvenile Justice and Delinquency Prevention Act.

The National Association of Criminal Justice Planners is a professional organization that represents local and regional governments through local and regional criminal justice planners. The Association also includes such members as court administrators, line agency police planners and academic professionals.

Our Association is committed to advancing the performance of planning at all levels in the field of criminal and juvenile justice, and is engaged in assisting planners in areas such as crime and data analysis, evaluation skills and techniques, and examination of strategies that are employed in implementing changes in agency operations.

Many of the Association's members have been involved in planning for youth programs made possible by the Juvenile Justice and Delinquency Prevention Act and the Runaway Youth Act. The Association endorses the reauthorization of this Juvenile Justice legislation which has contributed to substantial improvements in the Juvenile Justice System during the past years. However, the Association is concerned with the following issues which are addressed for the Committee's consideration.

1. Amendment of Sec. 223(a)(10)

Sec. 223(a)(10) provides that a percentage of funds made available to a state under the JJDP Act shall be used for advanced techniques in developing, maintaining, and expanding programs to prevent delinquency, divert juveniles from the juvenile justice system and provide alternatives to and within the juvenile justice system. Although this provision would appear to be sufficiently general to facilitate the funding of a wide variety of projects and programs, this section also includes a list of "advanced techniques" which may be interpreted to exclude programs for youth gang members, violent or chronic youth offenders and youth committing serious crimes.

In order to clarify the "advanced techniques" provision and to permit funding of programs for serious juvenile offenders, it is suggested that this provision be amended to include programs for violent, chronic, and serious offenders.

It is also recommended that this provision should encourage states to focus on programs within agencies and organizations which have the legal responsibility for addressing juvenile delinquency; specifically, the police, courts, corrections, probation, schools and human service agencies—public or private. The overwhelming proportion of juvenile cases are dealt with at the community level. While there may be problems surrounding the institutionalization of juveniles, there are other equally important problems confronting institutions serving youth. For example, schools must find ways to deter truancy, violence and vandalism. These problems also affect the police, courts, and probation offices. Strategies need to be developed and implemented to deal with overall problems and specific cases. The public has become more concerned about violence perpetrated by youth especially in those cases where the elderly are attacked.

These concerns need to be addressed in order to assure that response mechanisms, other than institutionalization of violent youth, can be developed. Deinstitutionalization cannot be fully implemented without such programs. The reauthorization legislation should be amended to make possible a wider range of youth programs.

2. Retaining a National Institute for Juvenile Justice and Delinquency Prevention (NIJJ)

There is a need to devote greater attention to assessing the effectiveness of treatment and control of juvenile justice offenders. There is also a need to have a coordinating center for the collection, preparation, and dissemination of data, and for the training of persons involved in the juvenile justice system. These functions have been performed by the NIJJ in the past, the and Association favors retention of a separate NIJJ in the legislation.

Separation of the research from the grant functions will encourage more rigorous independent assessments of juvenile justice programs. The Association believes that the NIJJ should be directed to emphasize assessing the impact of the JJDP program not only on juveniles but also on the agencies serving juveniles.

3. Representation of Local Members on the National Advisory Committee for Juvenile Justice and Delinquency Prevention

The Association recommends that ten of the twenty-one regular members of the National Advisory Committee should be members of local juvenile delinquency councils. This provision would assure that the city and county perspective would be represented on the Committee. It would aslo assure input from members of juvenile delinquency councils which are engaged in the improvement of juvenile programs at the local level.

The Association feels strongly that every effort should be made to engage local programmatic and appointed and elected officials in the National Advisory Committee process.

In keeping with our foregoing comments, it is imperative that the JJDP program bring its focus back to local and state agencies responsible for implementing changes in the juvenile justice system. This re-direction cannot be accompanied without more local participation at the national policy level.

4. Membership of State Advisory Group

The Association recommends that the State Advisory Group should be required to have elected or appointed representatives of localities who are nominated by their jurisdiction. It is also recommended that the Act be revised to permit elected officials to chair a State Advisory Group. Similarly, guidelines issued under the JJDP Act should permit the Chairman of the State Advisory Group to either be or not be a member of the State Criminal Justice Council. These recommendations are made to permit State Advisory Groups to encourage full involvement of elected and appointed officials who are members and to eliminate unnecessary restrictions on the type of person who may chair the State Advisory Group.

5. Runaway Youth Act (RYA)

The Association endorses the concept of the Runaway Youth Act but recommends that the responsibility for the program be assigned to OJJDP under a title of the JJDP Act. The consensus of our members is that administration of the RYA by the Department of Human Resources (HEW) has made it difficult, if not impossible for local governments to coordinate Runaway Projects and service projects funded by LEAA or JJDP Act funds. The lack of coordination of this funding process has been dysfunctional.

In order to remedy this situation, it is recommended that the Runaway Youth Act should be modified to become a program administered by OJJDP under the JJDP Act. It is also recommended that this provision should be amended to permit state and local governments to be awarded grants and to require local elected officials to sign off before local private agencies are funded.

6. *Definition of Community Based*

The Association believes that the definition of "community based" should be revised to include the concept of the "least restrictive alternative". It is also believed that the definition's reference to "programs of community supervision and service which maintain community and consumer participation in the planning, operation, and evaluation" is beneficial and should be retained.

The concept of "least restrictive alternative appropriate to the needs of the child and the community" should be incorporated to refer to the guiding and acceptable considerations for placing children in community based facilities.

It is also believed that the language of the present definition referring to programs of community supervision and service should be retained because this provision encourages state operated or licensed programs to utilize community and consumer participation. Community and consumer participation and support for the planning operation and evaluation of juvenile justice programs is essential to the long term replication and maintenance of effort for such programs. Without community support and involvement, community based programs do not become truly "community based" but remain isolated.

7. *Reasonableness of Rules and Regulations*

As mentioned above, it is believed that the Act and rules promulgated there under should encourage states and localities to participate in the programs to the fullest possible extent. It is recommended that the legislation include a provision directing the Office of Juvenile Justice and Delinquency Prevention to ensure that regulations promulgated are reasonable and appropriate in considering impact on states and localities.

8. *Pass-Through of Funds to Localities*

The JJDP Act has allocated grants to the states on the basis of relative population of people under age eighteen. It is the recommendation of the Association that seventy-five percent of the funds made available to states under the JJDP Act should be passed through to populated localities on the basis of relative population of people under age eighteen to the total state population of those under age eighteen. The money to be allocated to jurisdictions receiving $10,000 or less under this formula would be awarded by the state in its discretion on a competitive basis. States could use the remaining twenty percent allocation to supplement the small jurisdictions' awards and to fund state sponsored programs.

As discussed in the foregoing comments, it is the Association's position that greater local participation should be fostered by the JJDP Act program. In order for this to be possible, local governments must be given a share of funding responsibility. The funding responsibilities of local governments should reflect the true role they play in administering, and improving the juvenile justice system.

This approach to local funding of programs would make possible improved coordination of JJDP Act funded programs with other public and private funded programs. A single comprehensive plan for JJDP Act and LEAA funds could be forwarded by local governments to the states for approval.

If this pass-through provision is added to the legislation, it is also recommended that the chief executive officer of a unit of local government or combination of units assign responsibilities for preparation and administration of the local government's application to a local Board such as a Criminal Justice Advisory Board organized under the JSIA, or a local regional Criminal Justice Coordinating Council (CJCC). The local Board or CJCC would be required to have adequate representation of members from various components of the juvenile justice system.

9. *Authorization of Administrator to Make Grants to Localities*

It is recommended that the JJDP Act should include authorization to make grants to states and local governments or combinations of local governments. This language should be resolved in order to encourage localities to participate in the program where a local area is in compliance but a state is not and declines participation.

Conclusion

I wish to thank you for this opportunity tor provide you with the Association's comments on issues related to the JJDP Act reauthorization. Our organization supports passage of this legislation and is hopeful that some advancements can be made to encourage improved community planning and involvement in the program. Community participation and greater responsibility for administering the program will assure progress in meeting the goals of the legislation during the years to come.

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.

Programs that deal with the problem of the child and the family require public commitment; the private sector does not have the financial resources to undertake them. Without a large scale commitment from the public arena, there will be no spontaneous response from the citizens. The government serves the vital role of catalyst for many reforms. For without federal leadership, programs become fragmented, duplicated and uneven.

Therefore, it is crucial for a national effort that federal leadership exists. States and local communities need guidance with planning and implementing programs so there is some harmony of effort in all regions.

The Juvenile Justice Delinquency Prevention Act legislation is very important to social welfare planning. This is the only federal legislation that directly addresses the adolescent community of our society, and his family. The adolescent, especially minority, has very little recourse other than the juvenile justice system to look forward to when he/she gets into trouble. Mr. Schwartz, present Administrator of OJJDP has stated, "far too many minority youth are moved into the system and get further along in the system than other youth who commit similar crimes or offenses."

As such, public programs such as state social services, public welfare, and child protective agencies are greatly influenced by it.

OJJDP has many accomplishments to its credit. The Office has made positive strides in such areas as deinstitutionalization of status offenders, community-based alternatives, diversion, restitution and youth advocacy to name a few. Under the leadership of the new Administrator of the Office, Ira Schwartz, we should expect these areas, as well as new avenues such as more community services for the adolescent and their families and more emphasis on youth with emotional and learning disabilities will need additional support. In the February, 1980 NASW NEWS, Mr. Schwartz is quoted as saying, "there are enough examples around the country to show that if good human services are provided to them (adolescents) and their families in an effective and timely manner, those kids can be handled in non-secure settings and most of them reunited with their families."

During the past six years, the Juvenile Justice Deliquency Prevention Act has had great influence on social planning, a range of proper services for children resulting in the prevention of entry into the juvenile justice system; the ability of communities to offer many alternatives outside the juvenile justice framework; the expansion of expertise and resources of the community to deal with the juvenile delinquency problem in their area; and, Federal leadership have been the target areas of largely successful efforts. We believe that intense continued work needs to be maintained in these areas for a continued effect on the social welfare of the nation.

For these reasons, we believe that the maintenance of effort level should be increased to at least 20 percent of LEAA appropriations or $90 million, whichever is greater. If this legislation is to be effective, the coordination of not only federal efforts but also state participation in the planning of services is critical. Programs need stability of funding over a time span in order to demonstrate to the community that an extreme consequence—incarceration—of deviant behavior is not necessarily the most ideal nor cost effective answer to behavior delinquent. Good integrated community based services are more constructive to the individual as well as the community and less of a finacial drain on the taxpayers than institutionalization.

The national priority which this Act reflects in the late 1970's ought to be demonstrated in the 1980's; and, its implementing agent (OJJDP) needs the same opportunity. If this legislation is to function properly, the Office needs to operate with its own sense of purpose and urgency. OJJDP should remain in the Justice Department but be separated from LEAA and given equal status under

OJARS. The criminal law orientation of LEAA's philosophy is not in concert with contemporary views of dilenquency; and, incarceration is not in harmony with what OJJDP advocates. More visibility, autonomy, and independence for the Office would promote more emphasis on the program than is presently given. Now is the time to set the trend for the 1980's by providing for the Office to be completely responsible and accountable for its efforts.

NASW also recommends a reauthorization period of four or five years. This would ensure the continuation of a vital program and reaffirm Congress' original commitment to juvenile justice. An authorization period paralleled with LEAA's would not only jeopardize the Office's status in the federal effort but also inhibit its chances to demonstrate its accomplishments and accountability.

At a minimum, the appropriation level should be raised to at least $125 million for FY 1981. An increase of at least $25 million for each following fiscal year should be appropriated. Considering that the rate of inflation rose 13.3 percent this past year and projections are that it will increase more this year, NASW supports these figures as a realistic means for the Office to realize its national role properly. Costs in all sectors of our economy are steadily increasing and if programs are not given enough funds to meet these increases, services will either be cut back or discontinued altogether. Any restraint or cutback on the government's part could be interpreted as less than total commitment. A lack of financial support could imply that incarceration is the only plausible solution to juvenile delinquency and truly undermine the Act's future work.

It is a source of national shame that so many children of the poor and minorities continue to be detained in jail cells by the very courts and agencies established to protect them. The need for "treatment" alone does not justify legal removal from the community. It is our conviction that community-based treatment should be the first choice for the overwhelming proportion of offenders. Second to this are rehabilitative and restorative programs that should provide continuing linkage with the local community and should include services to the individual after release to the community.

Finally, the philosophy underlining the original purposes of this legislation is still relevant: the well-being of the individual should be considered foremost. As such, the ideal is still for adequate services available in all communities, including rural unserved areas, for families in trouble, including individual and family counseling, establishment of family courts, psychiatric services and placement of children outside their home when required. The use of higher security should be restored to only in the instance of evidence of clear and present danger to personal security.

Social work has a long history of being involved in the advocacy role. During the same period there was a great emphasis placed in the field of child welfare. A major effort in this field centered around early delinquency and its correction. As far back as 1869 in Massachusetts, the state board appointed an agent to be present at all court hearings of juveniles, held separately from the regular services of the court. This agent advised the judge on the disposition of the child. By 1890 with the advent of placement of some delinquent, as well as dependent and neglected, children by some Children's Aid Societies, there was a firm faith in the value of re-education of youth who had fallen into the hands of the law as a means of restoring them to a useful place in a free society.

NASW and its 82,000 members of the social work community welcome the opportunity to support and advance what we hope will be a renewed role for federal leadership in aiding troubled youth.

U.S. Department of Justice,
Office of Juvenile Justice and Delinquency Prevention,
Washington, D.C., March 5, 1980.

Hon. Ike Andrews,
Chairman, Subcommittee on Human Resources,
U.S. House of Representatives, Washington, D.C.

Dear Congressman Andrews: Attached please find the recommendations of the National Advisory Committee for Juvenile Justice and Delinquency Prevention for the reauthorization of the Juvenile Justice and Delinquency Prevention Act. These recommendations were adopted by the NAC at its February 21–23, 1980, meeting and represent the Committee's final position regarding reauthorization.

The National Advisory Committee wishes to express its strong support for the existing legislation particularly the provisions regarding the deinstitutionalization of status offenders, the separation of adults and juveniles in institutions, the emphasis on advocacy, the 75 per centum requirement to determine compliance regarding deinstitutionalization, and the monitoring of jails, detention and correctional facilities.

The Advisory Committee has also considered a recommendation to revise the Act to include an emphasis on the violent, serious and chronic repeat offender. Although it is an important issue, the NAC opposes any such revision because the current LEAA legislation permits the use of its funds for such purposes, and because the Juvenile Justice and Delinquency Prevention Act has and continues to make important strides toward removing from the Justice System youngsters not needing its control.

The NAC does recommend that the Act be revised to provide that the Office of Juvenile Justice and Delinquency Prevention be a separate organization entity under the Office of Justice Assistance, Research and Statistics and on an organizational par with the Law Enforcement Assistance Administration, the National Institute of Justice and the Bureau of Justice Statistics. The Advisory Committee further recommends that the National Institute for Juvenile Justice and Delinquency Prevention remain with OJJDP and retain its authority to conduct basic research.

Additionally, the NAC is recommending amendments which would:

(1) Target additional attention and resources on the problem of disadvantaged and minority youth;

(2) Expand the list of jurisdictions that qualify as "States" eligible for funding under the Act;

(3) Clarify the term "juvenile detention or correctional facilities";

(4) Strengthen activities to coordinate Federal juvenile delinquency efforts;

(5) Provide for representation of State Advisory Groups on the National Advisory Committee for Juvenile Justice and Delinquency Prevention and amend the appointment process to the NAC to allow members to serve until their replacements are appointed;

(6) Strengthen the role of the State Advisory Groups; and

(7) Transfer the authority for the Runaway Youth Act to the Office of Juvenile Justice and Delinquency Prevention.

The Advisory Committee recommends a four year authorization period, an authorization level of $200,000,000 for the fiscal year ending September 30, 1981, and an appropriation level of $140,000,000 for FY81. The NAC also supports the recommendation of the OJARS reorganization proposal that fifty additional staff be allocated to OJJDP.

In summary, the members of the Committee wish to express their appreciation to you, the members of your Subcommittee, and the Subcommittee staff for the opportunity to comment on reauthorization and we hope that our recommendations are helpful. We are pleased with progress under the Act thus far and have high expectations for the future.

Sincerely,

C. JOSEPH ANDERSON,
Chair, National Advisory Committee for Juvenile Justice and Delinquency Prevention

Enclosure.

RECOMMENDATIONS

1. Section 101(a)(4) should be amended as follows: existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse alcohol and drugs, particularly nonopiate or polydrug abusers;

2. Section 101(a) should be further amended as follows:

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; **[and]**

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency**[.]***;*

(8) *because of race, economic standing, sex, language, culture, handicap, mental disability, or other artificial barriers, whole classes of young people have not had their needs adequately met by human service professions in the United States;*

(9) *cultural segregation, both on the mainland United States and its territories, has led to isolation and alienation of young Americans; and*

(10) *existing programs have not adequately responded to the particular problems of minority and disadvantaged youth.*

3. Section 103(4) and 103(5) should be amended as follows:

[(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;]

(4) the term "Office of Justice Assistance, Research, and Statistics" means the agency established by section 801(a) of the Justice System Improvement Act of 1979.

(5) the term ["Administrator"] *"Director"* means the agency head designated by section [101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended] *801(a) of the Justice System Improvement Act of 1979.*

4. Section 103(7) should be amended as follows:

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, [and any territory or possession of the United States:] *the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;*

5. Section 103(12) should be revised as follows:

[(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and]

(12) the term "juvenile detention or correctional facilities" means any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders; and

6. Section 201(a) should be amended as follows:

(a) There is hereby created within the Department of Justice, [Law Enforcement Assistance Administration] *Office of Justice Assistance, Research, and Statistics*, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The [Administrator] *Director* shall administer the provisions of this Act through the Office.

Note: References to the "Law Enforcement Assistance Administration" and the "Administrator" should be changed throughout the Act to be consistent with this proposed revision and the Justice System Improvement Act of 1979.

7. Section 204(k) should be deleted to be consistent with recommendation No. 23 which would transfer the administration of the Runaway Youth Act to the Office of Juvenile Justice and Delinquency Prevention.

[(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of the Department of Health, Education, and Welfare under title III of this Act.]

[(l)]*(k)*(1) The Administrator shall, etc.

8. Section 206(a)(1) should be amended as follows:

Section 206(a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health [,Education and Welfare] *and Human Services*, the Secretary of Labor, the Director of the Office of Drug Abuse Policy, [the Commissioner of the Office] *the Secretary* of Education, the Director of the ACTION Agency, the Secretary of Housing and Urban Development, *the Director of the Office of Management and Budget, a member of the President's Domestic Council*, or their respective designees, the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy Associate Administrator of the Institute for Juvenile Justice and Delinquency Prevention, *a member of the National Advisory Committee for Juvenile Justice and Delinquency Prevention* and representatives of such other agencies as the President shall designate.

9. Section 206(a)(2) should be amended to read:

(2) Any individual *representing a Federal agency* designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved

10. Section 206(d) should be amended as follows:

(d) The Council shall meet [a minimum of four times per] *at least quarterly each* year and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

11. Section 206(e) should be amended as follows:

(e) The [Associate Administrator] *Chairman of the Council* [may] *shall*, with the approval of the Council, appoint *a staff director, an assistant staff director, and* such [personnel or] *additional* staff support as [he] *the Chairman* considers necessary to carry out the [purposes] *functions* of [this title] *the Council.*

12. Section 207 (c) and (d) should be amended as follows:

(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities. The President shall designate the Chairman. *Each group of appointments for four year terms shall include at least two appointees who are members of a State Advisory Group established pursuant to section 223(a)(3) of this Act.* A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, of whom at least three shall have been or shall courrently be under the jurisdiction of the juvenile justice system.

(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. *Members whose terms have expired shall continue to serve on the Committee until such time as their successor is appointed.* Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Eleven members of the committee shall constitute a quorum. (42 U.S.C. 5617)

13. Section 208(d) should be amended as follows:

(d) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve, together with the Director of the National Institute of Corrections[,] *and the Director of the National Institute of Justice,* as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

14. Section 222 (a) and (b) should be amended as follows:

Section 222 (a). In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000[,]. [except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands, no allotment shall be less than $56,250.]

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated in a manner equitable and consistent with the purpose of this part. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State[,]. [the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.]

15. Section 223(a)(3)(F)(ii) should be amended as follows:

(ii) [may] *shall* advise the Governor and the legislature on matters related to its functions, as requested;

16. Section 223(a)(10) should be further amended as follows:

(J) *programs designed to focus resources on minority and disadvantaged youth;*

17. Section 224(a) should be amended as follows:

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; [and]

(11) develop and implement programs relating to juvenile delinquency and learning disabilities[.] *; and*

(12) develop and implement programs designed to address the problems of minority and disadvantaged youth.

18. Section 241(c) should be amended to read:

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of [Law Enforcement and Criminal] Justice in accordance with the requirement of section 201(b).

19. Section 246 should be amended as follows:

Section 246. The Deputy Associate Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the Associate Administrator after the first year the legislation is enacted, prior to [September 30], *October 31* a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The Associate Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5). (42 U.S.C. 5656)

20. Section 261(a): The NAC recommends that the Act be reauthorized for the fiscal years ending September 30, 1981, 1982, 1983, and 1984 respectively and support an authorized appropriation level of $200,000,000 for the fiscal year ending September 30, 1981.

21. Section 261(b) should be amended as follows:

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, [the Administration] *there* shall *be* maintained from the appropriation for [the Law Enforcement Assistance Administration] *Title I of the Justice System Improvement Act of 1979*, each fiscal year, at least [19.15] *20* percent of the total appropriations [for the Administration] *under that title*, for juvenile delinquency programs. (42 U.S.C. 5671)

22. Section 262 should be amended as follows:

(*a*) The administrative provisions, etc.

(*b*) *No State, as defined in section 103(7), shall be excluded from national research activities funded under this Act unless reasons for such an exclusion are specifically set forth in the research report.*

23. Title III—Runaway Youth:

The National Advisory Committee recommends that the administration of the Runaway Youth Act be placed within the Office of Juvenile Justice and Delinquency Prevention to be administered as a separate categorical program. The NAC further recommends that program and staff continuity be maintained.

Finally, the Advisory Committee recommends an authorization level of $25,000,000 for the Runaway Youth Act for the fiscal year ending September 30, 1981.

DEPARTMENT OF LOCAL AFFAIRS,
COLORADO DIVISION OF CRIMINAL JUSTICE,
Denver, Colo., April 1, 1980.

Hon. IKE ANDREWS,
Chairman, Subcommittee on Human Resources, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: Enclosed is a resolution concerning the reauthorization of the Office of Juvenile Justice and Delinquency Prevention and the need to separate OJJDP's budget appropriation from that of the Law Enforcement Assistance Administration. This resolution was unanimously passed by the Colorado State Council on Criminal Justice at their March 28, 1980 meeting. I would urge you to consider this resolution.

Sincerely,

JAMES G. VETTER,
Associate Director for Criminal Justice Matters,
Department of Local Affairs.

Enclosure.

RESOLUTION

Concerning the Reauthorization of the Juvenile Justice and Delinquency Prevention Act and the necessity of an adequate appropriation to fulfill the mandates of the Act.

Whereas, the Juvenile Justice and Delinquency Prevention Act of 1974 is in the process of reauthorization,

Whereas, the state of Colorado has participated in this Act since 1976 and made significant impact on the juvenile justice system through the funds awarded under this Act,

Whereas, the recommendation of the House Budget Committee to eliminate the appropriation for LEAA would eliminate all funds available under the Juvenile Justice and Delinquency Prevention Act, *Now, therefore,* be it resolved that the Colorado State Council on Criminal Justice firmly supports the reauthorization of the Juvenile Justice and Delinquency Prevention Act and urges the Members of the House and Senate Appropriations Committees to provide a budget which is separate and distinct from that of LEAA, to pursue the mandates of the Juvenile Justice and Delinquency Prevention Act.

This resolution is respectfully presented to the Honorable Ernest Hollings, Chairman, U.S. Senate Appropriations Subcommittee on State, Justice, Commerce and the Judiciary; the Honorable Neil Smith, Chairman, U.S. House of Representatives Appropriations Subcommittee on State, Justice, Commerce and the Judiciary; and the Honorable Ike Andrews, Chairman, Subcommittee on Human Resources.

Certified

RICHARD DANA,
Chairman, State Council on Criminal Justice.

CRIME CONTROL AND PUBLIC SAFETY,
Raleigh, N.C., April 18, 1980.

Hon. IKE F. ANDREWS,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANDREWS: It has come to the attention of the North Carolina State Advisory Group on the Juvenile Justice and Delinquency Prevention Act that there is opposition to increased levels of funding for the JJDP Act focusing on the fact that there is a large amount of unexpended funds in the system. North Carolina has been mentioned as a state in which available funds are not being utilized.

North Carolina did not elect to participate in the Act until November 1977. A grant of fiscal year 1977–78 funds was submitted to OJJDP in December of 1977 and was not approved until June, 1978. Also in June, a grant was submitted for fiscal year 1978–79 funds which was approved October of 1978.

After planning and public hearings, notification of availability of funds went to the localities in the spring of 1979 and funds began flowing in July of 1979. This resulted in North Carolina having two years of advanced available funding at the time of implementation.

The State Advisory Group made the decision not to make available more than one year of funding in any one year so that a constant level of funding for programs would be provided. This decision was made to overcome traditional resistance in the localities to federal funding for programs that may be substantially reduced in future years. Thus, the abundance of available funds mentioned in the preceding paragraph has already been committed to counties. Therefore, it must be emphasized that North Carolina is effectively and completely utilizing Juvenile Justice funds and that these funds have had significant positive impact on our Juvenile Justice System. We anticipate continued successful utilization of existing levels of funding and would be prepared to use any increases that may be provided.

Sincerely,

GORDON SMITH III,
Executive Director, Governor's Crime Commission.
BARBARA W. SARUDY,
Chairperson, Juvenile Justice Planning Committee.

GOVERNOR'S ADVISORY COMMITTEE ON
JUVENILE JUSTICE & DELINQUENCY PREVENTION,
Trenton, N.J., February 19, 1980.

HON. IKE F. ANDREWS,
Capitol Hill Office,
Washington, D.C.

DEAR CONGRESSMAN ANDREWS: I am pleased to send you the New Jersey Juvenile Justice and Delinquency Prevention Advisory Committee's recommendations for 1980 amendments to the JJDP Act of 1974. The Committee does not recommend any major changes and continues to support the separation and deinstitutionalization requirements as they now stand.

However, the members would like to see additional attention to programs and approaches that enhance family unity and strength and would also encourage the creation of innovative treatment for serious offenders.

Please contact me if I or any other member of the Committee can provide you with additional information or explanation to support our recommendations. I would also be happy to assist in any other way which would be helpful in the reauthorization process.

Sincerely,

LILLIAN HALL, *Chairperson.*

Attachment.

NEW JERSEY JJDP ADVISORY COMMITTEE RECOMMENDATIONS FOR THE 1980 AMENDMENTS TO THE JJDP ACT

This is a discussion of the New Jersey Juvenile Justice & Delinquency Prevention Advisory Committee's recommendations for charges in the JJDP Act. As the Committee appointed by the Governor in conformance with that legislation, the members are very familiar with the Act's implementation within New Jersey. Some members have also had the opportunity to meet with other state advisory group members and have a broader view of the Act's implementation.

To prepare their recommendations, Committee members reviewed the present JJDP Act, the Administration's proposed Juvenile Justice Amendments of 1980 and positions of various organizations. The Committee members' comments consist of their own conclusions as well as endorsements of existing recommendations which they thought were of particular note.

Committee Developed Recommendations

1. The Committee feels very strongly that any delinquency prevention project funded under the JJDP Act should incorporate strategies to develop and to support family strength. This stems from the members' perception that the prevention of delinquency behavior is, to a great extent, the responsibility of the family. The family unit must function in such a way as to be able to retain a child in the home and to support that child's well-being. The Committee recognizes that the strategies developed will vary from project to project with some having minimal involvement and others having a primary focus on the family. However, at the very least, the principles stated should be kept in mind by persons developing prevention projects so that they can tie in to supporting families involved in some suitable way.

Specific JJDP Act Changes Recommended:

Section 102(b)(1) to develop and implement effective methods of preventing and reducing juvenile delinquency *including those with a special focus on maintaining and enhancing the ability of families to function successfully.*[1]

Section 223(a). Substitute the following as number (16) and renumber the remaining requirements:

(16) *provide assurances that whenever appropriate, projects receiving assistance under this Act will incorporate strategies to support family unity and strength to prevent initial or continued delinquent behavior.*

2. The Committee would like to see more of an emphasis on the use of non-secure programs for non-violent delinquent offenders as well as status and non-offenders. This is consistent with the philosophy of placing a juvenile in the least restrictive environment and the move toward deinstitutionalization.

Specific JJDP Act Changes Recommended:

Section 102(b)(2) to develop and conduct effective programs to prevent delinquency; to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization *which are in the least restrictive setting amenable to a juvenile's and to the community's needs.*

Section 223(a)(13). Refer to this separation requirement as (A) and insert a (B) as follows: *provide assurance that juveniles alleged or found to be delinquent shall be deinstitutionalized whenever possible in a setting which is the least restrictive in accordance with their needs and those of the community.*

3. The Committee would like to see the National Institute for Juvenile Justice and Delinquency Prevention remain intact without a transfer of its basic research responsibilities to the National Institute of Justice. There should be coordination between the two Institutes to avoid duplication. This should occur at the level of the Office of Justice Assistance, Research and Statistics (OJARS). Section 241(c)

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[1] All italicized material represents a change or addition.

shall be amended as follows: The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the *National Institute of Justice* in accordance with the requirements of Section 201(b).

Support for Other Organizations' Positions

1. The Committee supports the position taken by a number of national organizations that the Office of Juvenile Justice and Delinquency Prevention should be an independent arm under the Office of Justice Assistance, Research and Statistics on an equal footing with the Law Enforcement Assistance Administration and not an entity within the Law Enforcement Assistance Administration. A name change for OJJDP is recommended. Section 201(a) should be amended as follows: There is hereby created within the Department of Justice, *Office of Justice Assistance, Research and Statistics, the Juvenile Justice and Delinquency Prevention Administration.*

2. The Committee supports two changes in the role of the state advisory groups.

Section 223(a)(3)(ii) *shall* advise the Governor and the legislature on matters related to its functions (this becomes a mandatory function as opposed to a permissive one).

Section 223(a)(3). Add to the end of this section: (G) *The chairperson of the advisory group, shall, in accordance with procedures set by the membership, declare vacancies on the advisory group and recommended to the chief executive that replacements be appointed.*

Committee Endorsement of Administration Amendments

1. The Committee supports the emphasis on special programming for serious offenders spelled out in the 1980 Amendments proposal. The members have added, however, that these programs should be of a innovative nature. Below are listed the relevant sections as found inthe Amendments. The italicized words have been added by the Committee.

Section 223(a)(10) adds the following words after "juvenile justice standards": "and to identify, adjudicate, and provide effective *and innovative* institutional and community-based treatment alternatives for the serious, violent, or chronic repeat juvenile offender."

Section 223(a)(10)A was amended to include after the phrase "rehabilitative services," the following: "including *innovative* programs and services targeted to the treatment and rehabilitation of serious, violent, or chronic repeat juvenile offenders."

Finally, under the same section an advanced technique is added: (L) special institutional units or *innovative* programs to provide intensive supervision and treatment for violent juvenile delinquent offenders.

2. The Committee agrees that the National Advisory Committee should have representation from the State advisory groups. The Committee made one modification to this change, however, to insure that State members who are not reappointed by an incoming Governor remain on the National Advisory Committee. The Amendment's position with the underlined Committee addition is as follows:

Section 207(d) adds this sentence after the second sentence: "Each group of appointments for four year terms shall include at least two appointees who are *at the time of appointment* members of a State advisory group established pursuant to Section 223(a)(3) of this Act.

The Committee singles out the following sections of the Administration's bill as particularly important. The members endorse these without modification:

(a) Section 103(12) is amended to add a definition for "detention or correctional facilities" as follows: "any secure public or private facility used for the lawful custody of accused or adjudicated juvenile offenders or non-offenders or any public or private facility, secure or non-secure, which is also used for the lawful custody of accused or convicted adult criminal offenders;" and

(b) Section 206 is amended to strengthen the role of the Federal Coordinating Council and to provide staff support. At the end of Section 206(c), the following sentence is added: "The Council shall review and make recommendations on all joint funding efforts undertaken by the Office of Juvenile Justice and Delinquency Prevention with member agencies of the Council."

Section 206(e) is amended to read as follows: "The Chairman of the Council shall, with the approval of the Council, appoint a staff director, an assistant staff director, and such additional staff support as the Chairman considers necessary to carry out the functions of the Council."

(c) The Committee supports raising the maintenance of effort level to 20% from 19.15%.

(2) Section 261(b) is amended to read as follows: "(b) In addition to the funds appropriated under Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, other than funds earmarked for research, evaluation and statistics activities, each fiscal year, at least 20% of the total appropriations for the Administration, for juvenile delinquency programs. The Administration shall provide an adequate share of research, evaluation and statistics funding for juvenile delinquency programs and activities and is encouraged to provide funding for juvenile delinquency programs over and above the 20% maintenance of effort minimum. The Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention, subject to the review and approval of the Administration, shall publish guidelines for the implementation of this sub-section."

The Commonwealth of Massachusetts,
Committee on Criminal Justice,
Boston, Mass., February 20, 1980.

Hon. Ike Andrews,
U.S. House of Representatives,
Washington, D.C.

Sir: The Juvenile Justice and Delinquency Prevention Act (JJDPA) has gone before Congress for its second reauthorization. As you know, the JJDPA is a landmark piece of legislation which has had a significant impact on the juvenile justice system throughout the country.

As chairman of the Massachusetts Juvenile Justice Advisory Committee (JJAC), the state advisory group established pursuant to Section 223(a) of the Act, I am writing to you as a member of the legislative committee which will be considering the Act to urge your strong support for reauthorization of the JJDPA. In addition, for your information and review, I am enclosing a copy of the positions taken by the Massachusetts JJAC on a number of issues surrounding reauthorization of the Act. I encourage you to consider these positions during your deliberations on the JJDPA.

Should you require any additional information, please feel free to contact me at the address shown below.

Sincerely,

Stephen Pfohl,
Chairman, Massachusetts Juvenile Justice Advisory Committee,
Department of Sociology, Boston College.

POSITIONS OF THE MASSACHUSETTS JUVENILE JUSTICE ADVISORY COMMITTEE ON ISSUES SURROUNDING THE 1980 REAUTHORIZATION OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT

NB: Where applicable, reference has been made to appropriate portions of the current act: Public Law 93–415, as amended by Public Law 95–415.

Issue I: Proposed New Title Concerning Continued Creation of Alternatives to Incarceration Via State Subsidy and Other Funding

Several groups have suggested the addition of a new title within the JJDPA which would offer financial incentives for voluntary state participation to either remove certain types of youthful offenders from secure facilities or to reduce the number of youthful offenders incarcerated in such facilities.

The JJAC is opposed to the creation of a new title within the JJDPA and believes that sufficient emphasis on the deinstitutionalization of delinquent offenders already exists under the current language of the Act. The JJAC sees nothing to be gained by creating a separate title when resources for implementation are limited, and significant debate continues over the currently existing "deinstitutionalization of status offenders" mandate.

If a state is sincerely committed to the principle of the "least restrictive alternative" for youths, there is nothing in the present legislation to prohibit the state from implementing such a policy.

Finally, the JJAC is opposed to the notion of using limited Federal resources to permanently subsidize juvenile justice projects at the state and local level.

Issue II: Special Emphasis—Delinquency Prevention

(Ref: Subpart II.)

The JJAC supports the current language contained in the JJDPA under Subpart II "Special Emphasis Prevention and Treatment Programs." We feel that the many problems associated with the Special Empahsis program can be remedied administratively, and do not warrant adjustments in the statutory language of the Act.

On the subject of increased resources for "primary prevention" programs, the JJAC is not supportive of such increases if "primary prevention" is defined as: "program dealing with children prior to *any* contact with the juvenile justice system."

Issue III: Definition: Detention or Correctional Facility

(Ref: Section 223(a)(12)(A).)

This section of the JJDPA should be amended to emphasize that juvenile offenders, while being treated as such, should not, under any circumstances, be co-mingled with adult offenders. The Act should encourage the use of small community-based facilities and should include a capacity restriction for juvenile facilities, negotiated on a state-by-state basis.

Issue IV: The Structural Position of the Office of Juvenile Justice and Delinquency Prevention

(Ref: Section 201(a).)

The JJAC supports the position that LEAA and OJJDP should exist as *separate and autonomous offices* within the Office of Justice Assistance, Research and Statistics (OJARS). The placement of the OJJDP as a separate arm of OJARS would allow OJJDP the independence it requires in order to carry out the mandates of the JJDPA in the most productive way. The JJAC feels that the focus of OJJDP is distinct from that of LEAA and warrants this administrative autonomy.

Issue V: State Advisory Groups (SAG's)

(Ref: Sections 222(d) and 223(a)(3).)

The JJAC is in favor of increasing the state advisory group allocation to 7% of the minimum annual allotment.

In addition, the JJAC is in favor of amending Section 223(a)(3) of the JJDPA to include a provision allowing SAG chairs to declare a vacancy on the state advisory group due to a member's lack of attendance.

Issue VI: Maintenance of Effort Funds

(Ref: Section 261(b).)

The JJAC supports the continuation of the maintenance of effort provision, and recommends that the applicable percentage be increased from 19.15% to 20% to simplify accounting calculations.

It is the JJAC's belief that "adequate share" language is too vague to be a useful measure of conformity with the maintenance of effort provision of the JJDPA.

Issue VII: Authorization Periods for the JJDPA and LEAA

The JJAC is in favor of retaining separate authorization periods and processes for the JJDPA and the LEAA legislation. The JJAC is in agreement with the National Youth Work Alliance's position that:

"* * * differing authorization processes have allowed a timely and thorough reexamination of the Juvenile Justice program, apart from the controversial nature of the Crime Control Act. As is well known, Congress has long been dissatisfied with (LEAA), and the funding for the Crime Control Act over the last five years reflects this. . . . The Alliance supports separate authorization cycles so that juvenile justice does not get lost in the maze of priorities."

Issue VIII: Appropriation Level for OJJDP

(Ref: Section 261(a).)

The JJAC supports an increase in the reauthorization appropriation level as shown below:

Fiscal year ending:	*Million*
September 30, 1981	$200
September 30, 1982	225
September 30, 1983	250

Issue IX: Runaway Youth Act

(Ref: Title III, Section 301.)

The JJAC is in favor of continuing the administration of the Runaway Youth Act through the Department of Health, Education and Welfare.

Issue X: Matching Funds Requirement

(Ref: Section 228(e).)

The JJAC favors the retention of a "no-match" provision for action funds.

Issue XI: Treatment of Violent Offenders

(Ref: Section 223(a)(10).)

The JJAC supports amending the "advanced techniques" provision of the JJDPA to include: "alternative institutional programs for the treatment of violent juvenile offenders." In supporting this amendment the JJAC suggests that if such alternative institutional programs are to be considered as an advanced technique, then the Act must clearly describe and define the population to be served in such programs. Therefore, the JJAC proposes an additional amendment to the "Definitions" section of the JJDPA (Section 103) which would read as follows:

"The term 'violent juvenile offender' means a youth who has a series of adjudications for behavior exhibiting a *chronic, escalating pattern* of violent behavior, resulting in personal injury or the threat of personal injury, which has implications for the future as well as the present."

Issue XII: Coordinating Council on Juvenile Justice and Delinquency Prevention

(Ref: Section 20 (a)(1) et seq.)

The JJAC is in agreement with the position of Gordon Raley (Staff, House Subcommittee on Human Resources), as summarized below:

1. 5% of the office appropriation should be used for *implementing* joint interagency programs and projects. However, none of these funds should be used for *planning* such programs and projects.
2. The Coordinating Council should be authorized to review joint funding efforts.
3. The Attorney General should *not* be authorized to delegate his authority as Chairman of the Council, but should be encouraged to attend the 4 meetings per year of the Council.
4. Any staff for the Coordinating Council should come from existing Federal positions and not be created through the diversion of program money.

Issue XIII: Administration of Juvenile Delinquency Programs Through the Crime Control Act

(Ref: Section 527.)

The JJAC recommends that the OJJDP continue to administer and set policy direction for all LEAA juvenile delinquency programs.

Issue XIV: Monitoring Requirements

(Ref: Section 223(a) (12, 13, 14).)

The JJAC favors the retention of the monitoring requirement for all states, *including those states which have enacted legislation in keeping with the deinstitutionalization and separation mandates of the JJDPA.*

Issue XV: National Advisory Committee for Juvenile Justice and Delinquency Prevention

(Ref: Section 207.)

The JJAC recommends that:

1. Ten of the members of the NAC should be members of their state advisory groups at the time of their appointment, one such member to be drawn from each federal region.
2. The level and purpose of financial support for the NAC should be specified in the JJDPA.
3. The Executive Director of the NAC should be appointed by the chair of the NAC, with the consent of the majority of present and voting members.
4. The chair of the NAC should be empowered, with the consent of the majority of present and voting members, to declare a vacancy if any member misses a specified number of board meetings.
5. The President should be requested to fill all vacancies within 30 days.
6. The NAC should be empowered to elect a Vice Chairperson from among its members, and, in the event of a vacancy in the chair, the Vice Chairperson should serve until another chair is appointed by the President.

Issue XVI: *National Institute for Juvenile Justice and Delinquency Prevention*

(Ref: Section 243.)

The JJAC supports the need for the NIJJDP and recommends that it continue to be located within the OJJDP. Further, the JJAC is in favor of directing the NIJJDP to develop a mechanism for requesting and receiving information from State planning agencies and state advisory groups.

Issue XVII: *Definition of Community Based*

(Ref: Section 103(1).)

The JJAC supports the existing definition of community based but believes that the definition should encourage the use of the "least restrictive alternative appropriate to the needs of the child and the community."

COMMONWEALTH OF VIRGINIA,
DIVISION OF JUSTICE AND CRIME PREVENTION,
Richmond, Va., February 27, 1980.

Mr. GORDON RALEY,
Staff Director, Subcommittee on Human Resources, U.S. House of Representatives, Washington, D.C.

DEAR MR. RALEY: It is a pleasure to forward to you action taken by the Juvenile Justice Advisory Committee on issues pertaining to the reauthorization of the JJDP Act. These views are not necessarily the views of this agency or of the Council on Criminal Justice.

Sincerely,

RICHARD N. HARRIS,
Director.

COMMONWEALTH OF VIRGINIA,
JUVENILE JUSTICE AND DELINQUENCY
PREVENTION ADVISORY COUNCIL,
Richmond, Va., February 27, 1980.

Mr. GORDON RALEY,
Staff Director, Subcommittee on Human Resources, U.S. House of Representatives, Washington, D.C.

DEAR MR. RALEY: Please refer to my letter of January 23, 1980 in which I sent to you the recommendations of our Legislative Sub Committee.

The Sub Committee presented the positions on the eight issues to the full Juvenile Justice Advisory Council on February 21, 1980 at which time they adopted the issues as presented with the following exception:

Issue 3: Delete position as stated and replace with—OJJDP should be placed under OJARS and have equal status with LEAA.

Once again we are glad to have had the opportunity to submit our views.

Sincerely,

MRS. ARCH WALLACE III,
Chairman, Legislative Committee.

VIRGINIA ADVISORY COUNCIL TO JJDP—LEGISLATIVE COMMITTEE

POSITIONS ON REAUTHORIZATION

Issue 1: Should the Juvenile Justice Program be a separate Act or should it be a part of JSIA?

Position: Leave as is—separate Act.

Rationale: By remaining a separate Act, with separate authorization, Juvenile Justice would be more likely to receive full attention it deserves, and this would lessen chances of (1) its being "lost" as a component in a larger framework and (2) its losing funding.

Issue 2: Given a separate Juvenile Justice Act, should there be parallel authorization period?

Position: Different authorization by one (1) year for four (4) years.

Rationale: See Issue 1.

Issue 3: Should OJJDP remain within LEAA or be restructured as a separate organizational entity, independent of LEAA?

Position: Remain in LEAA, but head of office should not be a Presidential appointee.

Rationale: If head of office is Presidential appointee, he would be less likely to "fight for" issues and funding contrary to the Administration's views.

Issue 4: Should the Juvenile Justice Act permit a match requirement for formula funds?

Position: Same as Department of Justice Task Force: Section 228(e) should be amended to *permit* State planning agencies to require formula funds to be matched (no amount stated).

Rationale: State should have the option.

Issue 5: Should the term "detention or correctional facilities" in Section 223(a), now defined by guidelines, be modified in the statute to allow State more leeway in meeting obligation of the Act?

Position: Definition of "detention facilities" should be amended:—no bed limit should be codified unless bed limit for simple building;—"Shall not be placed in secure detention or correctional facilities;"

Rationale: Adequate definition as necessary to correct problem which States have voiced as to uncertainty of the standards they will be expected to meet.

Issue 6: Monitoring—Section 223(a)(12).

Position: Support existing law which provides for monitoring.

Rationale: State statutes cannot suffice as proof that there are no longer abuses.

Issue 7: Should the Act be amended to target resources for serious juvenile offenders?

Position: While the Act should speak to dealing with the serious offender, the State should have the option to set its own priorities.

Rationale: JSIA Conference Report now requires that priority consideration for funding be given to projects serving adjudicated offenders; therefore, this Act should not take as strong a position on funding projects for the serious offender as had been contemplated.

Issue 8: Section 223(a)(3) substituting the word "representation" for "representative."

Position: Change the word "representative" to "representation."

Rationale: A "representative" would be bound by directives from a group; this would be too cumbersome.

MARCH 17, 1980.

Representative IKE ANDREWS,
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: The Arizona State JJDP Advisory Council met Friday, March 14, 1980 and the Council reviewed several issues related to the reauthorization of the federal Juvenile Justice and Delinquency Prevention Act. On behalf of the Arizona JJDP Council I wish to share with you several recommendations and concerns discussed on March 14, 1980.

Recommendations

(1) The minimum membership quota of 21 members for the National Advisory Committee and the State Advisory Groups should be retained and not reduced to a lower minimum. It is important that the National and State Committees have larger private citizen participation and this might be reduced if the minimum is reduced.

(2) The Office of Juvenile Justice and Delinquency Prevention should be established as a fourth arm of the Office of Justice Administration, Research and Statistics (OJARS).

(3) The National Institute for Juvenile Justice and Delinquency Prevention should be retained in the Office of JJDP as a vital research mechanism. The Institute should not be eliminated.

(4) The wording "secure detention facilities and secure correctional facilities" should be inserted in Section 223(a)(10) and (12)(a).

The Arizona Advisory Council appreciates your consideration of these recommendations.

Sincerely,

(Mrs.) REGENE C. SCHROEDER,
Chairperson, Arizona JJDP Advisory Council.

Maine Criminal Justice Planning & Assistance Agency,
Cape Elizabeth, Maine, April 4, 1980.

Hon. Ike Andrews,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Subcommittee on Human Resources, Rayburn House Office Building, Washington, D.C.

Dear Representative Andrews: The Region I Coalition of State Advisory Group Chairs, composed of the chairmen of the State Advisory Groups from Maine, New Hampshire, Vermont, Connecticut, Massachusetts, and Rhode Island, recently met to discuss the reauthorization of the Juvenile Justice and Delinquency Prevention Act. After a thorough discussion of the issues around reauthorization based on the positions taken by each State Advisory Group, the Coalition developed positions based on a regional perspective. The Coalition strongly supports overall reauthorization of the Juvenile Justice and Deliquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of the Act. The specific positions adopted by the Coalition are enclosed for your information and consideration.

The Coalition urges you to support reauthorization of the Act and would be willing to forward to you any further information you may need.

Sincerely yours,

A. L. Carlisle,
Region I Coalition
of State Advisory Group Chairs.

1. *New Title: Continued Creation of Alternatives to Incarceration Via State Subsidy and other Funding*

The Region I Coalition sees no need for the creation of a new title within the JJDPA and believes that sufficient emphasis on the deinstitutionalization of delinquent as well as status offenders already exists under the current language of the Act. The Coalition sees little to be gained by creating a separate title when resources for implementation are limited, and significant debate continues over the currently existing "deinstitutionalization of status offenders" mandate.

If a state is sincerely committed to the principle of the "least restrictive alternative" for youths, there is nothing in the present legislation to prohibit the state from implementing such a policy.

2. *Special Emphasis—Delinquency Prevention*

The Coalition maintains that there should be only two Special Emphasis initiatives. Programs for primary prevention and for violent juvenile offenders should be the focus of Special Emphasis funding.

3. *Definition: Detention or Correctional Facilities*

The Coalition agreed that a definition of juvenile detention and correctional facility should be written into the Act so there will be no confusion about interpretation.

4. *The Structural Position of the Office of Juvenile Justice and Delinquency Prevention*

The Coalition supports the position that LEAA and OJJDP should exist as separate and autonomous offices within the Office of Justice Assistance, Research and Statistics (OJARS). The placement of the OJJDP as a separate arm of OJARS would allow OJJDP the independence it requires in order to carry out the mandates of the JJDPA in the most productive way. The Coalition feels that the focus of OJJDP is distinct from that of LEAA and warrants this administrative autonomy.

5. *State Advisory Groups (SAG's)*

The Coalition is in favor of increasing the state advisory group allocation to 7% of the minimum annual allotment available to any state. This would increase the SAG allocation to $15,750 for each state.

The Coalition is also in favor of amending Section 223(a)(3) of the JJDPA to include a provision allowing SAG chairs to declare a vacancy on the state advisory group due to a member's lack of attendance. In addition, Section 223(a)(3)(F)(ii) of the JJDPA should be amended to read: "Shall advise the governor and the legislature on matters related to its function".

6. *Maintenance of Effort*

The Coalition supports the continuation of the Maintenance of Effort provision and recommends that the applicable percentage be increased from 19.15 percent to 20 percent to simplify accounting calculations.

It is the Coalition's belief that the "adequate share" language is too vague to be a useful measure of conformity with the maintenance of effort provision of the JJDPA.

7. Authorization Periods for the JJDPA and LEAA

The Coalition is in favor of retaining separate uthorization periods and processes for the JJDPA and LEAA legislation.

8. Appropriation Level for OJJDP

The Coalition supports an increase in the reauthorization appropriation level as shown below:

Fiscal year ending:	*Millions*
September 30, 1981	$200
September 30, 1982	225
September 30, 1983	250

9. Runaway Youth Act

The Coalition believes that there should be no change in the administration of the Runaway Youth Act.

10. Matching Funds Requirement

The Coalition favors the retention of a "no-match" provision for action funds and the 50 percent or dollar-for-dollar match on planning and administration funds

11. Treatment of Violent Offenders

The Coalition supports amending the "advanced techniques" provision of the JJDPA to include: "alternative institutional programs for the treatment of violent juvenile offenders." In supporting this amendment the Coalition suggests that if such alternative institutional programs are to be considered advanced techniques, then the Act must clearly describe and define the population to be served in such programs.

Therefore, the Coalition proposes that the "Definitions" section of the Act should be expanded to include definitions for both the chronic repeat offender and the violent offender.

In addition, the Coalition was in agreement that states should not be locked into spending any set percentage on this initiative if the serious offender is not an issue in the state. For example, three states in Federal Region I, Maine, New Hampshire, and Vermont do not have this problem.

The Coalition is also in support of the Attorney General's recommendation that Section 101(a)(4) should be changed by adding "alcohol and" after "abuse" and before "drugs."

12. Coordinating Council on Juvenile Justice and Delinquency Prevention

The Coalition is in agreement with the position of Gordon Raley (Staff, House Subcommittee on Human Resources), as summarized below:

1. 5 percent of the Office appropriation should be used for implementing joint inter-agency programs and projects. However, none of these funds should be used for planning such programs and projects.
2. The Coordinating Council should be authorized to review joint funding efforts.
3. The Attorney General should not be authorized to delegate his authority as Chairman of the Council, but should be encouraged to attend the four meetings per year of the Council.
4. Any staff for the Coordinating Council should come from existing Federal positions and not be created through the diversion of program money.

13. Administration of Juvenile Delinquency Programs through the Crime Control Act

The Coalition recommends that the OJJDP continue to administer and set policy direction for all LEAA juvenile delinquency programs.

14. Monitoring Requirements

The current language of Section 223(a)(12) dealing with monitoring requirements should be retained. A method of monitoring the deinstitutionalization, separation and community based nature of facilities needs to be maintained as mandatory. A state's passage of legislation cannot suffice as proof that there are no longer abuses or that it is enforcing its legislation.

15. National Advisory Committee for Juvenile Justice and Delinquency Prevention

The Coalition recommends that:

1. At least 10 of the members of the NAC should be members of their state advisory groups at the time of their appointment, one such member to be drawn from each federal region.
2. The level and purpose of financial support for the NAC should be specified in the JJDPA.
3. The Executive Director of the NAC should be appointed by the chair of the NAC, with the consent of the majority of both present and voting members.
4. The chair of the NAC should be empowered, with the consent of the majority of present and voting members, to declare a vacancy if any member misses a specified number of board meetings.
5. The President should be requested to fill all vacancies within 30 days.
6. The NAC should be empowered to elect a Vice Chairperson from among its members, and, in the event of a vacancy in the chair, the Vice Chairperson should serve until another chair is appointed by the President.

16. National Institute for Juvenile Justice and Delinquency Prevention

The Coalition supports the need for the NIJJDP and recommends that it continue to be located within the OJJDP. Further, the Coalition is in favor of directing the NIJJDP to develop a mechanism for requesting and receiving information from state planning agencies and state advisory groups.

17. Definition of Community-Based

The Coalition supports the existing definition of community-based with one exception. In the definition the word "open" should be deleted and replaced by "non-secure".

MAINE CRIMINAL JUSTICE PLANNING & ASSISTANCE AGENCY,
Augusta, Maine, April 4, 1980.

Hon. IKE ANDREWS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Subcommittee on Human Resources, Rayburn House Office Building, Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: The Juvenile Justice Advisory Group of Maine strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of the Act. After extensive review by our Legislative Committee and discussion by the entire JJAG, we have concluded that reauthorization of the Act is crucial to our efforts in improving the juvenile justice system in Maine. I am enclosing the positions that we have adopted on eight of the issues dealing with reauthorization. We urge you to support reauthorization of the Act so that we may continue to deal with the crucial problems of the juvenile justice system.

I would be pleased to forward you any further information you may need.

Sincerely yours,

A. L. CARLISLE,
Chairman, Juvenile Justice Advisory Group.

ISSUES OF PRIMARY IMPORTANCE IN REAUTHORIZATION

Issue I: New Title: Continued Creation of Alternatives to Incarceration via State Subsidy and Other Funding.

Issue II *: Special Emphasis—Delinquency Prevention.

Issue III *: Definition: Detention or Correctional Facility.

Issue IV *: The Structural Position of The Office of Juvenile Justice and Delinquency Prevention.

Issue V *: State Advisory Groups.

Issue VI *: Maintenance of Effort Funds.

Issue VII *: Authorization Periods for the Juvenile Justice and Delinquency Prevention Act and the Law Enforcement Assistance Act.

Issue VIII: Appropriations: Office of Juvenile Justice and Delinquency Prevention.

Issue IX: Runaway Youth Act.

Issue X: Match Requirements for Part B Funds.

Issue XI: Treatment of Serious Offenders—Findings.

Issue XII: Coordinating Council on Juvenile Justice and Delinquency Prevention.

Issue XIII: Administration of Juvenile Delinquency Programs through the Crime Control Act.

Issue XIV *: Monitoring Requirements.
Issue XV *: National Advisory Committee.
Issue XVI: National Institute for Juvenile Justice Delinquency Prevention.
Issue XVII: Definition of Community Based.
Issue XVIII *: Special Emphasis—Rural Initiative.

* Positions on these issues are attached.

POSITIONS ON ISSUES OF PRIMARY IMPORTANCE IN REAUTHORIZATION

The Juvenile Justice Advisory Group strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Deliquency Prevention in the mandates of the Act.

DELINQUENCY PREVENTION

Issue II

Delinquency Prevention has not been the priority originally intended by Congress. Special emphasis must be focused on delinquency prevention and adequate funding is required to maintain an ongoing delinquency prevention program. More and better resources focused on youth prior to their contact with the juvenile justice system has the potential for greater impact.

THE STRUCTURAL POSITION OF OJJDP

Issue IV

LEAA has recurringly suffered from public and Congressional dissatisfaction while OJJDP has been praised for its success and continues to increase its credibility. Therefore, the Office of Juvenile Justice and Delinquency Prevention should be a separate and autonomous fourth box in the newly reorganized OJARS structure at the same organizational level as LEAA, the National Institute of Justice and the Bureau of Justice Statistics.

STATE ADVISORY GROUPS

Issue V

The State Advisory Groups should be strengthened as they play an integral role in the juvenile justice area. The language of the Act in Section 223 should be changed to state that the State Advisory Groups "shall" advise the Governor and State legislature, as well as the State Planning Agency and its supervisory board, regarding juvenile delinquency policies and programming. It is also recommended that the State Advisory Groups receive an increased allocation (more than 5 percent) to be utilized for training and hiring of staff.

MAINTENANCE OF EFFORT FUNDS

Issue VI

Maintenance of Effort funding must be continued at 20 per cent of the LEAA appropriation. The provision was originally established to prevent LEAA from supplanting the current juvenile justice funding with JJDPA monies, thereby gaining no true gain in dollars spent on juvenile justice. It is felt that "adequate share" language could decrease the amount of money utilized in juvenile justice. It is further encourged that LEAA fund juvenile-related programs over and above the 20 percent maintenance of effort minimum.

AUTHORIZATION PERIODS

Issue VII

The Juvenile Justice and Delinquency Prevention Act should be authorized for a three year period and up for reconsideration by the Congress in a different year than the OJARS legislation. This is consistent with the concept of OJJDP's separate identity and maintaining is own credibility.

MONITORING REQUIREMENTS

Issue XIV

The current language of Section 223(a)(12) dealing with monitoring requirements should be retained. A method of monitoring the deinstitutionalization, separation, and community-based nature of facilities needs to be maintained as mandatory. A State's passage of legislation cannot suffice as proof that there are no longer abuses or that it is enforcing its legislation.

NATIONAL ADVISORY COMMITTEE

Issue XV

There should be increased representation from State Advisory Groups in the membership of the National Advisory Committee for Juvenile Justice and Delinquency Prevention. It is recommended that ten of the twenty-one members of the NAC shall be members of their state advisory groups. Each SAG member shall represent a different federal region. This will ensure that SAG's are adequately represented and that there is equitable geographic representation.

SPECIAL EMPHASIS—RURAL INITIATIVE

Issue XVIII

Special attention should be given to a rural initiative focused on the needs of youth in underserved rural states. The major emphasis has always been on the urban, densely populated states because of the concentrated problems and high proportion of serious crime. The needs of less populated, highly rural areas are acute and deserve at least equal emphasis.

MAINE CRIMINAL JUSTICE PLANNING AND ASSISTANCE AGENCY,
Augusta, Maine, April 11, 1980.

GORDON RALEY,
Staff Attorney, Committee on Education and Labor, U.S. House of Representatives, Subcommittee on Human Resources, Rayburn House Office Building, Washington, D.C.

DEAR MR. RALEY: The Juvenile Justice Advisory Group of Maine strongly supports overall reauthorization of the Juvenile Justice and Delinquency Prevention Act and the strengthening of the Office of Juvenile Justice and Delinquency Prevention in carrying out the mandates of the Act. After extensive review by our Legislative Committee and discussion by the entire JJAG, we have concluded that reauthorization of the Act is crucial to our efforts in improving the juvenile justice system in Maine. I previously forwarded the positions that we adopted on eight of the issues dealing with reauthorization. I am now enclosing the positions that we adopted on the remaining reauthorization issues. We urge you to support reauthorization of the Act so that we may continue to deal with the crucial problems of the juvenile justice system.

I would be pleased to forward to you any further information you may need.

Sincerely yours,

A. L. CARLISLE,
Chairman, Juvenile Justice Advisory Group.

Enclosure.

POSITIONS ON ISSUES OF PRIMARY IMPORTANCE IN REAUTHORIZATION

DEFINITION: DETENTION OF CORRECTIONAL FACILITY

Issue III

A definition of juvenile detention nd correctional facility should be written into the Act so there will be no confusion about interpretation.

APPROPRIATIONS: OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Issue VIII

There should be an increase in the reauthorization appropriation level as shown below:

Fiscal year ending:	*Million*
September 30, 1981	$200
September 30, 1982	225
September 30, 1983	250

RUNAWAY YOUTH ACT

Issue IX

There is no position regarding the Runaway Youth Act.

MATCH REQUIREMENTS FOR PART B FUNDS

Issue X

The JJAG favors the retention of a "no-match" provision for action funds and the 50 percent or dollar-for-dollar match on planning and administration funds.

TREATMENT OF SERIOUS OFFENDERS—FINDINGS

Issue XI

The Juvenile Justice and Delinquency Prevention Act should define "serious offender," "violent offender," and "repeat offender".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Issue XII

The JJAG recommends the following:

1. 5 percent of the Office appropriation should be used for implementing joint inter-agency programs and projects. However, none of these funds should be used for planning such programs and projects.
2. The Coordinating Council should be authorized to review joint funding efforts.
3. The Attorney General should not be authorized to delegate his authority as Chairman of the Council, but should be encouraged to attend the four meetings per year of the Council.
4. Any staff for the Coordinating Council should come from existing Federal positions and not be created through the diversion of program money.

ADMINISTRATION OF JUVENILE DELINQUENCY PROGRAMS THROUGH THE CRIME CONTROL ACT

Issue XIII

The JJAG recommends that the OJJDP continue to administer and set policy direction for all LEAA juvenile delinquency programs.

NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Issue XVI

The JJAG supports the need for the NIJJDP and recommends that it continue to be located within the OJJDP. Further, the JJAG is in favor of directing the NIJJDP to develop a mechanism for requesting and receiving information from state planning agencies and state advisory groups.

DEFINITION OF COMMUNITY-BASED

Issue XVII

The JJAG supports the existing definition of community-based with one exception. In the definition the word "open" should be deleted and replaced by "non-secure".

STATE OF NEW MEXICO,
OFFICE OF THE GOVERNOR,
Santa Fe, April 18, 1980.

Re 1980 Reauthorization of the Juvenile Justice and Delinquency Prevention Act.

Hon. IKE ANDREWS,
Chairman, Subcommittee on Human Resources,
Rayburn Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: The New Mexico Juvenile Justice Advisory Committee (also referred to as "State Advisory Group") has studied the reauthorization of the Juvenile Justice and Delinquency Prevention (JJDP) Act. The Committee makes the following recommendations:

(1) The portion of LEAA funds required to be allocated to juvenile programs (maintenance-of-effort funding) should be continued at its present level and should go directly to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) for allocation to the states. Funding should be added to the OJJDP budget to accomplish this.

(2) The size of the Advisory Committee should not be reduced since a larger membership promotes a greater representation of geographic areas and interests.

(3) The Committee endorses Senator Bayh's proposal (S. 2441) to delegate complete program authority to the OJJDP. The office should be separate from LEAA and should report directly to the head of OJARS (Office of Justice Assistance, Research and Statistics) in the Department of Justice.

(4) All requests for special emphasis funds should be channelled through the State Advisory Group for comment before final approval from OJJDP. Greater weight should be given by OJJDP to the State Advisory Group's recommendations.

(5) A larger portion of the JJDP funds should be allocated to the formula grants awarded to the states.

(6) The State Advisory Group should be designated a policy-making body with the authority to make final awards of grant funds.

(7) Some of the special emphasis funds should be given by OJJDP to the State Advisory Group to award.

(8) The JJDPA language regarding the Federal Coordinating Council should be strengthened to require it to make much greater efforts to coordinate federal juvenile justice programs. The Committee favors the House proposal (H.R. 6704) to appropriate $500,000 for support of the Coordinating Council's activities.

(9) The requirement that states submit annual jail monitoring reports (re: detention of juveniles) should be retained. The mere fact that a state has a statute conforming to JJDPA requirements does not guarantee that the state will comply with its own statutes.

(10) OJJDP should add from ten to fifteen staff to help provide greater service to the states.

(11) The current Act requires that the state provide within three year of submission of the initial plan that juveniles who are charged with or have committed offenses that would not be criminal if committed by an adult, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities. If a state does not fully comply with this mandate, however, the Administrator may in effect "relax" this requirement by determining that the state is in "substantial compliance" through achievement of deinstitutionalization of at least 75 percent of such juveniles, and has made an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two years.

The Committee favors a minimum ninety-five percent compliance rate, now that states have had several years to achieve this. OJJDP funds should be suspended for those states that do not comply. States which do comply, on the other hand, should be rewarded by partially basing the state formula grant on the degree of compliance with this mandate.

(12) The National Advisory Committee membership should include some individuals who are also members of State Advisory Groups.

(13) The Administration has recommended a revision that would require total removal of juveniles from any facility where adults are detained, regardless of any sight/sound separation. The Committee supports this philosophy and will encourage compliance if OJJDP provides the necessary funds to accomplish it. In New Mexico, many new facilities would have to be constructed.

(14) The Committee endorses the proposed emphasis on the serious juvenile offender.

(15) The Committee favors continuation of advocacy efforts.

(16) The Committee favors legislative definitions of "secure detention facility" and "secure correctional facility", and supports the definitions proposed in the House Bill (H.R. 6704). Administrative definitions are open to challenge, leading to attempts to avoid compliance with the Act.

The New Mexico Juvenile Justice Advisory Committee strongly endorses the reauthorization of the JJDP Act. Hopefully, any new legislation will incorporate the above recommendations and will provide an appropriation that will allow the JJDP program to operate at its present level of activity. This appropriation must be made at an amount large enough to adequately replace any possible loss of LEAA funds designated for juvenile justice. In New Mexico, $300,000 from LEAA funds has been expended per year on juvenile programs. Since all of the state's JJDP funding has been allocated exclusively for shelter care programs, the state has relied on LEAA funds to support other juvenile projects, most of which focus on delinquency prevention (see attached list of LEAA-funded juvenile justice programs). These LEAA-funded programs in New Mexico include a statewide Parents Anonymous Program, Big Brother and Big Sister organizations in Santa Fe, Boys and Girls Clubs in Las Cruces, the Roswell Assurance Home, delinquency prevention programs in Torrance and Taos Counties, a Students Incorporated Program in Las Cruces, and a pilot project managed in conjunction with the State Bar Association entitled "Teaching Justice in the Secondary Schools." The latter program teaches students in a few school districts about the criminal justice system. Private attorneys and teachers are being utilized with the intent to make the program a permanent part of the school curriculum. Plans are underway to use LEAA money to support additional delinquency prevention programs specifically for New Mexico schools.

It cannot be stressed enough that the JJDP program is a cost-reducing means to deal with the national rise in crime and its attendant problems. It is absolutely vital that minimum, effective interventions be implemented for juveniles before they become embroiled in the expensive adult judicial and criminal systems.

Please do not hesitate to call on any member of the State Juvenile Justice Advisory Committee for further information. Your serious consideration of these matters is appreciated.

Sincerely,

ALICE KING,
Chairwoman, New Mexico Juvenile Justice Advisory Committee.

Enclosure.

FAMILY COURT
Canton, Ohio, April 1, 1980.

Re Juvenile Justice Act—H.R. 6704.

Mr. GORDON A. RALEY,
Staff Director, Committee on Education and Labor, Subcommittee on Human Resources, Rayburn House Office Building, Washington, D.C.

DEAR MR. RALEY: Thank you for your courtesies in our dealings with your Committee around reauthorization. We amateurs truly need your help.

With that in mind, I am sincerely requesting that you consider the following additions to the mandate of the Act concerning chronic runaways, etc.:

Sec. 223(a) In order to receive formula grants . . . such plan must . . . (12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would be neither criminal if committed by an adult nor a violation of a valid court order, or such non-offenders as dependent or neglected children, shall not be placed in juvenile detention or correctional facilities, and . . .

This should not be a major change in the intent of Congress. It would allow bottom-line, coercive authority over that group that require security for their own protection.

You also asked for language that could go in the "report" spelling out the intent that Congress does not condone an interpretation of allowing repeated chronic runaways or school truancies. The following strikes me as brief and to the point:

Congressional comment on Secs. 223(a) (12)(A) and 223(c)

The Congress recognizes that there are some non-criminal juvenile offenders who continue to engage in conduct seriously endangering safety, health or morals—such as repeated running away from home or other placement. Such conduct often leads to delinquency. Chronic or repeat offenders may sometimes require, as a last resort, secure facilities where habilitation services can be provided. Thus it is not the intent of these sections to preclude youth who violate valid court orders from being adjudicated as delinquents, if permitted by law.

May I hear from you at your convenience?

Yours very truly,

JOHN R. MILLIGAN,
Chairman, Government Committee.

CITY OF MANCHESTER,
PROBATION DEPARTMENT,
Manchester, N.H., March 20, 1980.

Representative IKE ANDREWS,
Cannon House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: As a member of the Runaway Youth Advisory Board of the N.H. Network for Runaway and Homeless Youth, I am writing to urge your support for reauthorization of the Runaway Youth Act, now scheduled to expire in December, 1980. Over the years, I have seen a large growth in the youth and families serviced by this much needed program. To lose these services at this point, could create a serious gap in court deterrrant alternatives in this community. Nationwide, I fear the impact might be a major blow to the few youth programs which currently exist.

I also feel very strongly that it would be best for the Runaway Youth Act to remain in the Youth Development Bureau within H.E.W. as a move to Title XX might result in a greatly narrowed population being served. Also, a move to L.E.A.A., especially with so many urging a phase out of this program, could result in the Runaway Youth Act either being lost entirely or stuck in the jumble of other justice programs.

Your record of voting for youth issues is most favorable. I hope that you will seriously consider continuing to be a strong advocate for youth and not allow the Runaway Youth Act to be dumped in the rush to cut federal expenditures.

Sincerely,

PATRICIA BLOUIN,
Probation Officer.

THE ASSOCIATION OF JUNIOR LEAGUES, INC.,
New York, N.Y., March 31, 1980.

Hon. IKE F. ANDREWS,
House of Representatives Rayburn House Office Building,
Washington, D.C.

DEAR MR. ANDREWS: The Association of Junior Leagues strongly supports the Department of Justice's proposal that the reauthorization of the Juvenile Justice and Delinquency Prevention Act include a clause prohibiting the placement of juveniles under 18 years old in adult jails. We urge you to support the addition of such a clause in the mark-up session on H.R. 6704.

We concur with the Department of Justice's view that states must be given time to plan and develop such a change in the handling of juveniles. Therefore, the five-year period for full compliance suggested by the Department seem reasonable to us. We also support the Department's suggestion that additional incentives should be developed to encourage state compliance with the mandate to remove juveniles from adult jails. We are pleased, however, that H.R. 6704 already contains language requiring that statewide programs be developed to provide "subsidies or other financial incentives" to encourage local governments to remove juveniles from adult jails.

As you know, the testimony that I presented March 19 on behalf of the Association before the Subcommittee on Human Resources also included a request that juveniles be removed from adult jails. We supported this action because the removal of juveniles from adult jails is one of the 10 priority items listed in the mission statement adopted by the Association for its five-year Child Advocacy Program.

We will be most grateful if you support the addition of such language to H.R. 6704. Thank you again for allowing me to present testimony on behalf of the Association at the hearings you held on March 19.

Sincerely,

JACQUELYN D. BATES,
Child Advocacy Chairman.

ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES,
Pittsburgh, Pa., April 15, 1980.

IKE ANDREWS,
Chairman, Subcommittee on Human Resources, House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANDREWS: I am writing to seek your support for H.R. 6704, Reauthorization of the Juvenile Justice Act. Measures in this Act would support recognition, training of personnel and programs for adults and children with learning disabilities.

I understand the Act would accomplish the above by:

1. Recognizing and acknowledging the need of those juveniles with Learning Disabilities and other handicapping conditions.
2. Adding the Director of Special Ed and Rehab Services as a member to the Federal Coordinating Council for Juvenile Justice.
3. Including Special Education representatives on all state Juvenile Justice Advisory Councils.

4. Providing monies for funding the training of juvenile justice personnel to recognize and provide services for those with Learning Disabilities and other handicapping conditions.

Since ACLD has been active in investigating the link between learning disabilities and delinquency, it is particularly gratifying to us to see that Congress is about to supply much needed help in this area.

Sincerely,

ROBERT C. REED,
President, ACLD.

OHIO YOUTH COMMISSION,
Columbus, Ohio, March 28, 1980.

Hon. IKE F. ANDREWS,
U.S. Representative,
Rayburn House Office Building, Washington D.C.

DEAR CONGRESSMAN ANDREWS: Attached is a resolution which was adopted at a recent meeting of the Executive Officers for the Association of State Juvenile Justice Administrators.

The resolution supports: (1) funding of the Office of Juvenile Justice and Delinquency Prevention at continuation levels or higher; (2) elevating the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice to an office level which reports directly to the United States Attorney General; and (3) passage by the United States Congress of the Juvenile Justice Amendments of 1980 to the Juvenile Justice and Law Enforcement Act.

In addition, we are requesting that one or more members of the Association of State Juvenile Justice Administrators be placed on the National Advisory Committee to the Office of Juvenile Justice and Delinquency Prevention.

It is the hope of the Association members that the important matters delineated in this resolution will receive your attention and action.

Yours truly,

WILLIAM K. WILLIS,
President, Association of State
Juvenile Justice Administrators.

THE ASSOCIATION OF STATE JUVENILE JUSTICE ADMINISTRATORS

A RESOLUTION

Supporting the funding of the Office of Juvenile Justice and Delinquency Prevention at continuation levels or higher; Supporting the elevation of the Office of Juvenile Justice and Delinquency Prevention within the Department of Justice to an office level which reports directly to the United States Attorney General; Requesting that one or more members of the Association of State Juvenile Justice Administrators be placed on the National Advisory Committee to the Office of Juvenile Justice and Delinquency Prevention; And supporting the passage by the United States Congress of the Juvenile Justice Amendments of 1980 to the Juvenile Justice and Law Enforcement Act.

Whereas, Members of the Association of State Juvenile Justice Administrators are acutely aware of the increasing need for funds to be granted to the various states and local municipalities for fiscal year 1980, and

Whereas, The Association of State Juvenile Justice Administrators is aware that any cutbacks in funding to the Office of Juvenile Justice and Delinquency Prevention would severely jeopardize the States' abilities to maintain and improve their juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research and improvement of the juvenile justice system in the States, and

Whereas, The members of the Association of State Juvenile Justice Administrators believe that the needs of the juvenile justice system have reached a level which requires more autonomy for the Office of Juvenile Justice and Delinquency Prevention and the elevation of that Office to a position which reports directly to the United States Attorney General.

Be it, therefore, *Resolved*, That the Association of State Juvenile Justice Administrators officially supports and offers its assistance in the effort to assure that funding for the Office of Juvenile Justice and Delinquency Prevention will be maintained at current or higher levels for fiscal year 1980; be it further

Resolved that the Association of State Juvenile Justice Administrators officially supports and offers its assistance in the effort to pass the Juvenile Justice Amendments of 1980 to the Juvenile Justice and Law Enforcement Act, be it further

Resolved that the Association of State Juvenile Justice Administrators officially supports and offers its assistance in the effort to have the Office of Juvenile Justice and Delinquency Prevention elevated to an autonomous office within the Departmen of Justice, reporting directly to the United States Attorney General, be it further

Resolved that the Association of State Juvenile Justice Administrators formally requests and supports the inclusion of one of its members of the National Advisory Committee to the Office of Juvenile Justice and Delinquency Prevention, and be it further

Resolved that William K. Willis, President, the Association of State Juvenile Justice Administrators, be, and hereby is, instructed to transmit an authenticated copy of this resolution to Senator Birch Bayh, Congressman Ike Andrews, and United States Attorney General Benjamin Civiletti.

Adopted the 5th day of February, 1980.

NATIONAL COUNCIL ON CRIME AND DELINQUENCY,
Hackensack, N.J., April 18, 1980.

Hon. IKE F. ANDREWS,
House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: I am writing to express the National Council on Crime and Delinquency's support for the pending reauthorization of the 1974 Juvenile Justice and Delinquency Prevention Act.

The NCCD specifically recommends the complete prohibition of holding youngsters in county jails or in police lockups. Such a prohibition would significantly strengthen the provisions of the existing Act which forbid the detention or confinement of juveniles in institutions where they have regular contact with adults.

We commend the efforts to date of the Office of Juvenile Justice and Delinquency Prevention. The Office has become a major force for positive change in our treatment of young people in trouble. Significant progress has been made toward the separation of juveniles from adults, the creation of alternatives to incarceration, the separation of delinquents from status offenders and nonoffenders, and the development of community support for reform of the juvenile justice system. The Office deserves our continued support.

It is not easy to achieve positive and lasting change within the complex juvenile justice system. Much has been accomplished since the Juvenile Justice and Delinquency Prevention Act was first passed, but more is needed. The Congress now has the opportunity to enact legislation which strengthens and expands efforts to create a juvenile justice system that is truly effective, just, and humane.

Sincerely,

MILTON G. RECTOR, *President.*

NATIONAL CRIMINAL JUSTICE ASSOCIATION,
Washington, D.C., April 1, 1980.

Hon. IKE F. ANDREWS,
Chairman, House Education and Labor
Subcommittee on Human Resources
Rayburn House Office Building,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: I have been asked by the Executive Committee of the National Criminal Justice Association, which I chair, to communicate to you our concern regarding the Administration's proposal to amend the Juvenile Justice and Delinquency Prevention Act of 1974 as amended to require absolute separation of confined adult and juvenile offenders.

As you are aware, Section 223(a)(13) of the Juvenile Justice Act currently requires that accused or adjudicated juvenile offenders not be detained or confined in any institution in which they have "regular contact" with accused or adjudicated adult offenders. Compliance with the separation standard has required that at minimum sight and sound separation of adults and juveniles confined in the same facilities be assured. The Administration's proposal, which we first heard during the March 19 hearing before your Committee, would require that juvenile and adult offenders be housed in separate facilities; sight and sound separation would not be adequate to satisfy an absolute separation requirement.

We share the concerns of the Administration that juvenile offenders be kept from harm at the hands of the more dangerous elements of the adult offender population. We believe, however, that the Administration has not considered all possible consequences of its call for absolute separation and has perhaps acted precipitously even if with the most commendable of motives, in recommending the foregoing amendment at this time. We believe that certain critical questions concerning the impact of an absolute separation requirement should have been given greater consideration, than is in evidence, by the Administration before it announced its intention to seek an amendment to the Act.

What is achieved by detaining and incarcerating juveniles in institutions different from adults which is not achieved by sight and sound separation?

Initially, if states and their local units of government are required to provide for absolute separation of incarcerated adults and juveniles, is it not likely that many jurisdictions will respond to this mandate by opening separate detention and correctional facilities specifically for juveniles? Is it possible that the opening of separate facilities will mean more beds for juvenile delinquents? If there were more beds for juveniles in places of incarceration, will more juveniles be incarcerated?

Is it possible that an absolute separation requirement could result in the waiver of a greater number of juveniles to the adult court?

Is it known what progress states and local units have made toward achieving sight and sound separation of incarcerated adults and juveniles, legislatively and in practice since passage of the Juvenile Justice and Delinquency Act of 1974? What problems have been evidenced in jurisdictions that have achieved sight and sound separation that would warrant expanding the mandate to require total separation? Is it known what financial investments they haee made in sight and sound separation? How much of this investment would be lost if total separation were required? How many state and local units of government now meet the sight and sound mandate? What further investments would be required to achieve absolute separation? Is it known whether five years, as the Administration is proposing, is a timeframe in which absolute separation could reasonably be expected to be achieved?

Does the federal government have an absolute separation requirement for its own institutions? How many states presently require total separation, have, in fact, implemented such requirement, and what has been their experience?

We hope that in its deliberations relative to reauthorization of the Juvenile Justice Act and in its review of the Administration's proposal to institute an absolute separation requirement, your Committee will give full consideration to these questions.

Sincerely,

LEE M. THOMAS, *Chairman.*

THE COUNCIL FOR EXCEPTIONAL CHILDREN,
Reston, Va., February 13, 1980.

Mr. GORDON A. RALEY,
Staff Director, House Subcommittee on Human Resources,
Rayburn House Office Building, Washington, D.C.

DEAR GORDON: Thank you again for meeting with me on the issue of the relationship of handicapping conditions and delinquency and the implications for reauthorizing the Juvenile Justice Act. I came away assured of the Subcommittee's interest in this very important issue and, most importantly, in this very needy population.

In our discussion you expressed a desire for further clarification on federal definitions of "handicapped" and "learning disabilities." Also, we discussed the new implementation efforts of corrections in the area of federal special education mandates. Thus, I am enclosing for you (a) a fact sheet on the two federal special education laws now impacting on corrections, (b) a fact sheet more specifically on P.L. 94–142, The Education for All Handicapped Children Act of 1975, (c) a fact sheet on definitions paraphrased from § 121a.5 of P.L. 94–142, and (d) a copy of the learning disabilities regulations accompanying P.L. 94–142, which reflects a long-awaited consensus on an elusive concept!

I hope this is not too much of an overload for your busy schedule. If we can provide any further clarifications, please let me know. I look forward to meeting with you soon on the reauthorization issues.

Sincerely,

BARBARA J. SMITH,
Specialist for Policy Implementation.

Enclosure.

WHAT IS A HANDICAPPED CHILD?

Fact Sheet

Who is considered handicapped?

As used in the Education for All Handicapped Children Act (Public Law 94-142), handicapped children must meet two criteria. The child must have one or more of the disabilities listed in the next section and he or she must require special education and related services. In other words, not all children who have a disability require special education; many are able to and should attend school without any program modification.

What disabilities are included in the definition?

- Deaf—A hearing impairment so severe that the child cannot understand what is being said with or without a hearing aid.
- Deaf-Blind—A combination of hearing and visual impairments causing such severe communication, developmental, and educational problems that the child cannot be accommodated in either a program just for the deaf or one that is specifically for the blind.
- Hard of Hearing—A hearing impairment that adversely affects a child's educational performance but is not as severe as deafness.
- Mentally Retarded—Both significant sub average general intellectual functioning and deficits in adaptive behavior; these deficits should have been observable throughout the child's development.
- Multiply Handicapped—A combination of impairments, other than deaf-blind, that causes such severe problems that the child cannot be accommodated in a special education program for any one of the impairments.
- Orthopedically Impaired—A severe physical disability that adversely affects educational performance. The term includes impairments such as club foot, absence of a limb, cerebral palsy, poliomyelitis, bone tuberculosis, etc.
- Other Health Impaired—Limited strength, vitality, or alertness due to chronic or acute health problems such as rheumatic fever, asthma, hemophilia, leukemia, etc., which adversely affects the child's educational development.
- Seriously Emotionally Disturbed—Schizophrenic or autistic children and others who have a marked degree of one or more of the following characteristics, displayed over a long period of time:

  An inability to learn which cannot be explained by intellectual, sensory, or health factors.

  An inability to build or maintain satisfactory interpersonal relationships.

  Inappropriate types of behavior or feelings under normal circumstances.

  A general pervasive mood of unhappiness or depression.

  A tendency to develop physical symptoms or fears associated with personal or school problems.

This term does not include students who are socially maladjusted, unless they are also seriously emotionally disturbed.

- Specific Learning Disability—A disorder affecting the child's understanding or use of spoken or written language. The student's ability to listen, think, speak, read, write, spell, or do mathematical calculations may be affected. Conditions such as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia are included in this category. This term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps; mental retardation; or environmental, cultural or economic disadvantage.
- Speech Impaired—A communication disorder, such as stuttering, impaired articulation, a language impairment, or a voice impairment which adversely affects a child's educational performance.
- Visually Handicapped—A visual impairment which, even with correction, adversely affects a child's educational performance. The term includes both partially seeing and blind children.

How are handicapped children identified?

Children suspected of having a handicap are evaluated by a multidisciplinary team that includes at least one teacher or other specialist with knowledge in the area of the suspected disability. Following a full and individual evaluation of the child's educational needs, the team determines whether or not the child requires special education and related services.

What responsibilities do states and localities have in educating handicapped children?

If the evaluation confirms that a child has one or more disabilities and because of the disabilities special education and related services are required, then states and localities must provide a free, appropriate public education for that child.

RESOURCES

Birch, J. W., & Reynolds, M. C. *Teaching exceptional children in all America's schools—A first course for teachers and principals.* Reston VA: The Council for Exceptional Children, 1977.

A product of the ERIC Clearinghouse for Handicapped and Gifted Children
1920 Association Drive, Reston, Virginia 22091
1978

P.L. 94-142, The Education for all Handicapped Children Act: An Overview

Public Law (P.L.) 94-142, the Education for All Handicapped Children Act, is legislation passed by the United States Congress and signed into law by President Gerald R. Ford on November 29, 1975. The "94" indicates that this law was passed by the 94th Congress. The "142" indicates that this law was the 142nd law passed by the 94th Congress to be signed into law by the President.

Purposes

P.L. 94-142 can be said to have four major purposes:

- Guarantee the availability of special education programing to handicapped children and youth who require it.
- Assure fairness and appropriateness in decisionmaking about providing special education to handicapped children and youth.
- Establish management and auditing requirements and procedures regarding special education at all levels of government.
- Financially assist the efforts of state and local government through the use of federal funds.

Definition of Handicapped

Handicapped children are defined by the Act as:

> Mentally retarded, hard of hearing, deaf, orthopedically impaired, other health impaired, speech impaired, visually handicapped, seriously emotionally disturbed, or children with specific learning disabilities who, by reason thereof, require special education and related services.

This definition establishes a two pronged criterion for determining child eligibility under the Act. The first is whether the child actually has one or more of the disabilities listed in the above definition. The second is whether the child requires special education and related services. Not all children who have a disability require special education, many are able to and should attend school without any program modification.

Major Provisions

- The state education agency must make available a free appropriate public education to all handicapped children ages 3-18 by September 1, 1978 and 3-21 by September 1, 1980. However, the mandate does not apply to the 3-5 and 18-21 age group if inconsistent with state law or practice, or any court decree.
- Handicapped students must be educated with nonhandicapped persons to the maximum extent appropriate to the students' needs, i.e., in the least restrictive environment.
- The state education [illegible]gency shall insure that an individualized education program is developed [illegible]tained, and evaluated for each handicapped child.

- "Appropriate" is not defined as such, but rather receives its definition for each child through the mechanism of the individualized written education program (IEP) as required by P.L. 94-142. Therefore, what is agreed to by all parties becomes in fact the "appropriate" educational program for each particular child.

- The state and local education agency must guarantee the maintenance of full due process procedures for all handicapped children within the state and their parents or guardian with respect to all matters of identification, evaluation, and educational placement whether it be the initiation or change of such placement, or the refusal to initiate or change.

- The assurance of regular parent or guardian consultation.

- Assurance of nondiscriminatory testing and evaluation.

- A guarantee of policies and procedures to protect the confidentiality of data and information.

- Assurance of a surrogate to act for any child when parents or guardians are either unknown or unavailable or when such child is a legal ward of the state.

- The state and local education agencies must implement an active child find program.

- The state and local school districts must engage in comprehensive manpower development.

- Any given state participating must have established priorities for providing a free, appropriate public education in the following manner:

    - First priority to handicapped children who are not receiving an education.
    - Second priority to handicapped children inadequately served with the most severe handicaps (within each disability).

- Not more than 1% of the funds under this program may be reserved for the special education of handicapped children on reservations in elementary and secondary schools operated by the Department of the Interior, Bureau of Indian Affairs.

- Funding is provided to the states based upon approval of the states' annual program plan which details the assurance of all rights and protections of the Act. In order to receive funds, the local agencies submit an application to the state agency detailing similar assurances.

- The state education agency must cut off the flow through to a local education agency if it does not conform to its own local application. Correspondingly, the U.S. Commissioner must cut off funds to the state education agency if that agency is in substantial noncompliance with its own state plan.

For more information contact: Governmental Relations Unit
The Council for Exceptional Children
1920 Association Drive
Reston, Virginia 22091

Other publications available from CEC include: Public Law 94-142 and Section 504—Understanding What They Are and Are Not - $.75; A Primer on Due Process--Education Decisions for Handicapped Children - $4.95; A Primer on Individualized Education Programs for Handicapped Children - $4.95; Public Policy and the Education of Exceptional Children - $13.95.

ERIC Clearinghouse on Handicapped
and Gifted Children

FACT
SHEET

ADJUDICATED HANDICAPPED YOUTH

Is there a connection between learning problems and adjudication?

Reports about the educational characteristics and the incidence of handicapping conditions among adjudicated youth have appeared at an increasing rate over the past two decades. Most of the studies have focused on the incidence of mental retardation and learning disabilities in this population.

Most investigations found an unusually high prevalence (12% to 15%) of mental retardation among incarcerated youth as compared to an occurrence of 2% to 3% in the general population. Above average figures have also been reported for adjudicated youth with learning disabilities. Depending on the criteria used, between 30% and 50% of that population have been diagnosed as learning disabled. Regardless of the actual figures, there is sufficient evidence to warrant the suspicion that the incidence of both mental retardation and learning disabilities occurs at a higher rate in the adjudicated population than in the population at large.

Why are so many handicapped youth in trouble with the law?

The greater the problems people face in coping with society or with their own feelings of inadequacy, the greater the chances are that they may resort to crime. It is estimated that little more than half of the handicapped youth in secondary schools currently receive the services they need. Those students who present troublesome behavior are frequently suspended or expelled from school. All too often, what is in the best interest of the youth conflicts with what is in the best interest of the school or community.

What alternatives can the schools exercise toward the prevention of delinquency and alienation?

Efforts in career education, vocational education, guided group interaction, job coaching, and the strengthening of field service liaison between school and community agencies can be useful in preventing young people from experiencing failure and alienation. Alternative high schools with a range of service deliveries are frequently more effective than the traditional expulsion or suspension method. The attitude and modeling behavior of teachers are powerful influences on students' aggressive behavior.

What are the requirements for educating adjudicated handicapped youth?

The Education for All Handicapped Children Act of 1975 (Public Law 94-142) mandates a free, appropriate public education for all handicapped children regardless of what agency is serving them. Youth correction agencies are faced, therefore, with the task of identifying handicapped youth within their jurisdiction and developing policies for supplying them with all rights, procedures, and services mandated under the law.

What requirements need to be considered in developing policies for handicapped youngsters in correctional facilities?

Youth correctional facilities in many states are facing new and in some ways unique problems in developing educational policies for the delivery of services as required under P. L. 94-142. The following requirements and issues need to be considered:

- State education agencies are responsible for assuring that all handicapped students receive appropriate education, thus requiring new levels of interagency cooperation and agreement between education and correctional agencies.
- Development and implementation of individualized education programs (IEP's) requires that all educational and related services needed by youth be delivered. Included will be many services not previously provided in correctional settings.

- Services for handicapped students are to be provided in the least restrictive environment (LRE), but by their very nature correctional facilities are restrictive and typically have offered few alternatives.
- Procedural safeguards, guaranteed under P. L. 94-142, provide the adjudicated handicapped youth with a process for challenging the correctional facility if it fails to provide an appropriate education. At the very least, issues related to surrogate parents and impartial hearings are new policy areas for correctional institutions.
- The law requires that any placement or change in educational placement should be based on the student's IEP. Educational decisions made at the correctional facility and at the school the student attends upon release should be based on what is recommended in the IEP. This will require considerable cooperation between the public schools and the correctional facility.
- P. L. 94-142 specifies that handicapped students receive services from *qualified personnel*. This requirement has implications for personnel development programs in the field of youth corrections work.

What other elements should be included in effective community responses to youth needs and problems?

Increased roles for youth in decision making that affects them and expanded choices in programs that deal with them open opportunities for meaningful participation. We squander a considerable resource and lose much good will when we do not seek ways for greater youth involvement and freedom of choice.

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Prepared by Barbara J. Smith, Governmental Relations Unit,
The Council for Exceptional Children

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THURSDAY, DECEMBER 29, 1977
PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Procedures for Evaluating Specific Learning Disabilities

[4110-02]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121a—ASSISTANCE TO STATES FOR EDUCATION OF HANDICAPPED CHILDREN

Procedures For Evaluating Specific Learning Disabilities

AGENCY: Office of Education, HEW.

ACTION: Final rule.

SUMMARY: These regulations provide procedures for evaluating specific learning disabilities. The regulations supplement basic evaluation requirements under the regulations for part B of the Education of the Handicapped Act which were published August 23, 1977. Upon the effective date of these regulations, the two percent limit (the "cap") on the number of children with specific learning disabilities who may be counted for allocation purposes under part B is removed.

EFFECTIVE DATE: As required by section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these amendments have been transmitted to Congress concurrently with publication in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of transmission, subject to the provisions concerning Congressional action and adjournment.

FOR FURTHER INFORMATION CONTACT:

Daniel Ringelheim, Director, Division of Assistance to States, Bureau of Education for the Handicapped, 400 Maryland Avenue SW. (Room 4046, Donohoe Building), Washington, D.C. 20202. Telephone: 202-472-2265.

Or

Frank S. King, State Plan Officer, Field Services Branch, Division of Assistance to States, Bureau of Education for the Handicapped, 400 Maryland Avenue SW., (Room 4046, Donohoe Building), Washington, D.C. 20202. Telephone: 202-245-9615.

SUPPLEMENTARY INFORMATION:

RULEMAKING HISTORY—PUBLIC PARTICIPATION

Because of the potential impact that these regulations could have on the education of specific learning disabled (SLD) children throughout the Nation, and on the agencies that serve them, the Office of Education recognized the need for intensive public participation in the development of the regulations, and has taken steps to insure maximum public involvement throughout the entire rulemaking process. Experts and citizens representing advocate groups, including parents and professionals, were invited to participate in meetings where the primary issues regarding the development of these regulations were identified and discussed.

Following the series of meetings, a draft concept paper was developed. The concepts contained in that paper were shared at a special meeting with State educational agency representatives from 34 States. The purpose of this activity was to attempt to ascertain if the concepts contained in the draft paper presented any major philosophical and implementation problems for States.

On November 29, 1976, the proposed rules were published in the FEDERAL REGISTER (41 FR 52404). Written comments and recommendations on the proposed rules were invited for a 120 day comment period. Public hearings were held in Washington, San Francisco, Denver, Chicago, Boston, and Atlanta during that period. This comment period on the proposed regulations extended beyond the period of the annual international conference of the Association for Children with Learning Disabilities, where the proposed regulations were a major topic of both presentations and discussions at that conference. Many sessions on the proposed regulations were conducted by Office of Education personnel and others. During the comment period, over 980 letters were received. In addition 98 formal presentations were made at the hearings. All written and verbal comments were reviewed and considered by the Office of Education in preparing these final regulations.

The tapes of the hearings and copies of written comments are available for public inspection at the Bureau of Education for the Handicapped, Room 4931, Donohoe Building, 400 6th Street SW., Washington, D.C. 20202.

SUMMARY OF PROCEDURES FOR EVALUATING SPECIFIC LEARNING DISABLED CHILDREN

These regulations have been developed to comply with section 5(b) of Pub L. 94-142, which required the Commissioner to develop procedures for evaluating children who have a specific learning disability (SLD). Upon the effective date of these SLD regulations, they will be incorporated into the general regulations under part B of the Education of the Handicapped Act published in August (45 CFR Part 121a).

The part B regulations set out basic procedures which public agencies are required to use in evaluating all handicapped children, including, for example, the following requirements: (1) That tests and other evaluation materials are provided and administered in the child's native language or other mode of communication; (2) That no single procedure is used as the sole criterion for determining an appropriate educational program for a child; and (3) That the evaluation is made by a multidisciplinary team including at least one teacher or other specialist with knowledge in the area of suspected disability.

These SLD regulations set out additional procedures which apply only to the evaluation of children suspected of having a specific learning disability. Following is a summary of these additional requirements:

First, the multidisciplinary team must include the child's regular teacher. (If the child has no regular teacher, a person qualified to teach a child of that age would be assigned to the team.) The team also must include a person qualified to conduct individual diagnostic examinations. (Within the SLD population, there are children who primarily display problems of language development. For this population, qualified specialists in speech and language disorders represent an appropriate professional resource.)

Second, criteria are set out for use by the team in determining the existence of a specific learning disability. This determination is made based on (1) whether a child does not achieve commensurate with his or her age and ability when provided with appropriate educational experiences, and (2) whether the child has a severe discrepancy between achievement and intellectual ability in one or more of seven areas relating to communication skills and mathematical abilities.

These concepts are to be interpreted on a case by case basis by the qualified evaluation team members. The team must decide that the discrepancy is not primarily the result of (1) visual, hearing, or motor handicaps; (2) mental retardation; (3) emotional disturbance; or (4) environmental, cultural, or economic disadvantage.

The regulations also set out procedures for observing the child's performance and for preparing a written report of the results of the evaluation.

MAJOR CHANGES FROM PROPOSED REGULATIONS

The following major changes have been made from the proposed regulations:

(1) The formula has been deleted;

(2) The "50 percent" figure for determining "severe discrepancy" has been deleted;

(3) Provisions duplicating requirements in final regulations for general evaluation procedures and for medical examinations under Part B have been deleted.

(4) The monitoring sections have been deleted, since state educational agency (SEA) monitoring responsibilities are covered under § 121a.601 of the Part B regulations. The Commissioner has established these detailed monitoring responsibilities of the SEAs and will monitor each State's compliance with these and other requirements of Part B.

The statute provides that when these final regulations take effect, the two percent cap on the number of children with specific learning disabilities who may be counted for allocation purposes is removed (section 5(c)). Therefore, § 121a.-702.(a)(2) of the Part B regulations, which repeated the statutory cap requirement, is deleted.

ACTION TAKEN ON PUBLIC COMMENTS

The Office of Education conducted a careful review of the public comments received and summarized them by topic.

Of the 962 letters of comment and 88 presenters at the public hearings, the most frequently expressed concern was with the inclusion of the use of a formula as a part of the diagnostic criteria. With the exception of the composition of the evaluation team, there were relatively few comments on other portions of the proposed regulations.

Only a few commenters made suggestions for a different approach to be used to determine the existence of specific learning disabilities. Each of these suggestions was determined to be inappropriate for use in these regulations because it was based on unproven theories or on current practice for which no professional consensus is available.

ANALYSIS OF REGULATIONS

The appendix to the Part B regulations is amended by (1) a discussion of significant comments received on these regulations and the action taken with respect to those comments, and (2) an explanation of the basis for any changes made from the proposed rules published on November 29, 1976.

TECHNICAL CORRECTIONS TO PART 121a REGULATIONS PUBLISHED ON AUGUST 23, 1977

(1) In the definition of "specific learning disability" (§ 121a.5(b)(9)), the phrase "of emotional disturbance" was inadvertently omitted. This has been corrected, and the revised definition is set out in amendment No. 1, below.

(2) The following comment and response regarding Civil Action is contained in the Part 121a Regulations published on August 23, 1977:

CIVIL ACTION (§ 121a.511)

Comment: Commenters wanted the regulations revised to allow for direct appeal to the courts without first using administrative hearing and review procedures if those procedures would be futile, the timeliness or adequacy of the administrative proceedings are being challenged, or a class action is involved. Commenters cited language in the Congressional Record in support of this interpretation (121 Cong. Rec. S20428 daily ed., November 19, 1975).

Response: No change has been made. The legislative history cited is nongermane as it was made in reference to the Senate Bill (S. 6) which did not contain the final statutory provision on civil actions. The provision on civil action was added as a Conference substitute. The issue of exhaustion of remedies will be up to the courts to resolve.

The statement made by the Office of Education regarding the legislative history cited by the commenter was incorrect, since the legislative history referred to occurred during consideration of the Conference Report. Therefore, a correction has been made to that statement, as set out in amendment No. 4, following.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis (previously referred to as an Inflationary Impact Statement) under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Number 13.449, Education of Handicapped Children, Part B.)

Dated: October 18, 1977.

ERNEST L. BOYER,
U.S. Commissioner of Education.

Approved: December 19, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health,
Education, and Welfare.

Part 121a of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 121a.5 is amended by revising paragraph (b)(9) to read as follows:

§ 121a.5 Handicapped Children.

* * * * *

(b) * * *

(9) "Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain disfunction, dyslexia, and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or of environmental, cultural, or economic disadvantage.

* * * * *

§ 121a.702 [Amended]

2. Section 121a.702 is amended by deleting paragraph (a)(2).

3. The following new sections are added:

ADDITIONAL PROCEDURES FOR EVALUATING SPECIFIC LEARNING DISABILITIES

§ 121a.540 Additional team members.

In evaluating a child suspected of having a specific learning disability, in addition to the requirements of § 121a.532, each public agency shall include on the multidisciplinary evaluation team:

(a)(1) The child's regular teacher; or

(2) If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or

(3) For a child of less than school age, an individual qualified by the State educational agency to teach a child of his or her age; and

(b) At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.

(20 U.S.C. 1411 note.)

§ 121a.541 Criteria for determining the existence of a specific learning disability.

(a) A team may determine that a child has a specific learning disability if:

(1) The child does not achieve commensurate with his or her age and ability levels in one or more of the areas listed in paragraph (a)(2) of this section, when provided with learning experiences appropriate for the child's age and ability levels; and

(2) The team finds that a child has a severe discrepancy between achievement and intellectual ability in one or more of the following areas:

(i) Oral expression;
(ii) Listening comprehension;
(iii) Written expression;
(iv) Basic reading skill;
(v) Reading comprehension;
(vi) Mathematics calculation; or
(vii) Mathematics reasoning.

(b) The team may not identify a child as having a specific learning disability if the severe discrepancy between ability and achievement is primarily the result of:

(1) A visual, hearing, or motor handicap;

(2) Mental retardation;

(3) Emotional disturbance; or

(4) Environmental, cultural or economic disadvantage.

(20 U.S.C. 1411 note.)

§ 121a.542 Observation.

(a) At least one team member other than the child's regular teacher shall observe the child's academic performance in the regular classroom setting.

(b) In the case of a child of less than school age or out of school, a team member shall observe the child in an environment appropriate for a child of that age.

(20 U.S.C. 1411 note.)

§ 121a.543 Written report.

(a) The team shall prepare a written report of the results of the evaluation.

(b) The report must include a statement of:

(1) Whether the child has a specific learning disability;

(2) The basis for making the determination;

(3) The relevant behavior noted during the observation of the child;

(4) The relationship of that behavior to the child's academic functioning;

(5) The educationally relevant medical findings, if any;

(6) Whether there is a severe discrepancy between achievement and ability which is not correctable without special education and related services; and

(7) The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

(c) Each team member shall certify in writing whether the report reflects his or her conclusion. If it does not reflect his or her conclusion, the team member must submit a separate statement presenting his or her conclusions.

(20 U.S.C. 1411 note.)

4. Appendix A is amended as follows:

a. The response under "CIVIL ACTION (§ 121a.511)," appearing at 42 FR 42512, is amended to read as follows:

Response. No change has been made. The Office of Education has decided not to regulate on this question. The issue of exhaustion of remedies will be up to the courts to resolve.

The following paragraphs have been added immediately preceding the capital letter heading LEAST RESTRICTIVE ENVIRONMENT, appearing at 42 FR 42513:

Additional Procedures for Evaluating Specific Learning Disabilities

Sections 121a.540–121a.543 provide procedures for evaluating specific learning disabilities which supplement the basic evaluation requirements set out above ("PROTECTION IN EVALUATION PROCEDURES," §§ 121a.530–121a.534). These additional procedures were written to comply with section 5(b) of Pub. L. 94–142, which required the Commissioner to develop regulations that establish (1) criteria for determining whether a particular disorder or condition may be considered a specific learning disability, (2) diagnostic procedures for use in identifying SLD children, and (3) monitoring procedures for use in determining whether public agencies are complying with the criteria and diagnostic procedures.

The following major changes have been made from the proposed regulations published on November 29, 1976 (The reasons are set forth below in the discussion of specific comments.):

(1) The formula has been deleted;

(2) The "50 percent" figure for determining "severe discrepancy" has been deleted;

(3) Provisions duplicating requirements in final regulations for general evaluation procedures and for medical examinations under Part B have been deleted.

(4) The monitoring sections have been deleted, since State educational agency (SEA) monitoring responsibilities are covered under § 121a.601 of the Part B regulations. The Commissioner has established these detailed monitoring responsibilities of the SEAs and will monitor each State's compliance with these and other requirements of Part B.

The statute provides that when these final regulations take effect, the two percent cap on the number of children with specific learning disabilities who may be counted for allocation purposes is removed (section 5(c)). Therefore, § 121a.702(a)(2) of the Part B regulations, which repeated the statutory cap requirement, is deleted.

The following comments were made regarding the SLD proposed regulations:

Use of Formula

Comment. Many commenters objected to the formula proposed for establishing a severe discrepancy between ability and achievement. Their concerns fell primarily into four areas:

(1) The inappropriateness of attempting to reduce the behavior of children to numbers;

(2) The psychometric and statistical inadequacy of the procedure;

(3) The fear that use of the formula might easily lend itself to inappropriate use to the detriment of handicapped children;

(4) The inappropriateness of using a single formula for children of all ages, particularly pre-school children.

Response. The formula has been deleted. Because of the above and other concerns, the Office of Education conducted a study to determine the effectiveness of the formula. While the findings showed that the formula has a certain degree of operational validity, they also identified pronounced technical limitations in its application, including all four concerns listed above.

Given the type and number of technical limitations, it has been determined that the formula should not be included in the final regulations.

Comment. A few commenters recommended alternative formulae for use in determining the existence of a severe discrepancy between ability and achievement.

Response. None of these formulae were adopted. Each was found to have the same types of technical limitations as the formula in the proposed rules.

Use of Other Approaches

Comment. A few commenters suggested other approaches to defining specific learning disabilities. Among the suggestions for alternate approaches were those which:

(1) Required that a major discrepancy between verbal and performance scores on the WISC be established in order for a child to be considered as having a specific learning disability;

(2) Required that each area of information processing be subdivided into discrete functions and analyzed in terms of their effects on achievement. If the areas of discrepant functioning were determined to be critical to successful achievement, then a child could be considered as having a specific learning disability.

Response. Neither of these alternative approaches has been adopted. It was determined that the approaches could not be validated without engaging in extensive additional research.

Composition of the Evaluation Teams

Comment. Many commenters had recommendations for requiring additional participants on the evaluation team. This was particularly true of speech and language pathologists who stated that a high percentage of children evaluated for specific learning disabilities have speech and language problems. A significant number of comments on the topic of the team composition were received from members of the field of reading as well.

Response. The general requirements for evaluation in § 121a.532 provide for appropriate selection of individuals to serve on the multi-disciplinary team. Therefore, no substantive change was made. For children with language and speech problems as part of, or associated with, specific learning disabilities, speech and language pathologists represent an appropriate professional resource.

Comment. Some commenters wanted the parents of the child in question to be part of the evaluation team.

Response. No change has been made. The comprehensive evaluation of children necessarily involves the collection of a variety of information, including information from the parents concerning their perceptions of the child's behavior. Such a practice is considered routine and basic to any evaluation and therefore unnecessary to be specifically listed. It might be emphasized that parents have the right under other sections of these Part B regulations to (1) participate in the development of the individual education program of their child, (2) request a due process hearing in the event they disagree with the findings of the evaluation team, (3) have access to all records pertaining to their child, and (4) have other due process safeguards.

SLD Criteria and Procedures

Comment. A few commenters felt that Congressional mandate in section 5(b) of Pub. L. 94–142, which required the Commissioner to establish criteria and procedures for use in identifying specific learning disabilities, was not adequately met by the regulations.

Response. The Office of Education has satisfied the Congressional mandate in the following manner:

First, criteria have been developed for determining the existence of a specific learning disability (i.e., it must be established (a) that a severe discrepancy exists between ability and achievement; (b) that there is a severe achievement problem in one or more of seven areas relating to communication skills and mathematical abilities; and (c) that the discrepancy is not the result of other known handicapping conditions or of environmental, cultural, or economic disadvantages).

Second, comprehensive diagnostic procedures have been established, which are to be used in concert with the above criteria. These procedures include (a) the basic evaluation requirements in sections 121a.530–121a.534 which must be used in evaluating all handicapped children (including those suspected of having a specific learning disability), and (b) the additional procedures (set out in §§ 121a.540–121a.543) to be used in evaluating SLD children.

Third, with respect to monitoring procedures, these are already included throughout the Part B regulations. The Commissioner has established State educational agency monitoring procedures under § 121a.601, and will monitor each State's compliance with these and other requirements of Part B.

EXCLUSION CONDITIONS

Comment. Some commenters stated that children should not be excluded from consideration as having a specific learning disability if their severe academic discrepancy is primarily the result of: (1) a visual, hearing, or motor handicap; (2) mental retardation; (3) emotional disturbance; or (4) environmental, cultural, or economic disadvantage.

Response. No change has been made. These exclusions are statutory.

Comment. Commenters asked for definitions of visual handicaps, motor handicaps, and other "exclusion" terms.

Response. The term "visually handicapped" and other handicapping conditions are defined in § 121a.5. Motor handicap is considered as being included in the definition of orthopedically impaired. Other terms will be applied on a case-by-case basis by professional team members.

THEORY OF THE PROCEDURAL APPROACH

Comment. Commenters requested information on the theoretical basis for the approach taken.

Resoonse. Those with specific learning disabilities may demonstrate their handicap through a variety of symotoms such as hyperactivity, distractability, attention problems, concept association problems, etc. The end result of the effects of these symptoms is a severe discrepancy between achievement and ability. If there is no severe discrepancy between how much should have been learned and what has been learned, there would not be a disability in learning. However, other handicapping and sociological conditions mav result in a discrepancy between ability and achievement. There are those for whom these conditions are the primary factors affecting achievement. In such cases, the severe discrepancy may be primarily the result of these factors and not of a severe learning problem. For the purpose of these regulations, when a severe discrepancy between ability and achievement exists which cannot be explained by the presence of other known factors that lead to such a discrepancy, the cause is believed to be a specific learning disability.

It was on this basic concept that these regulations were developed.

CERTIFICATION REQUIREMENTS

Comment. A few commenters questioned the need for certification by the team as to the existence of specific learning disabilities.

Response. No change has been made. By specifying the procedures to be used in determining the existence of a specific learning disability and because the team has all of the data on which to make an appropriate decision, heavy reliance was placed on the judgment of the evaluation team. Since the team has a great deal of latitude in making the determination of the existence of a specific learning disability, it was apparent that the team should document its decision and should clearly indicate the basis on which the determination was made.

SPECIFIC AREAS OF ACHIEVEMENT TO BE REVIEWED

Comment. A few commenters expressed concern that spelling not be listed as one of the eight areas of function which could be evaluated to establish a severe discrepancy between ability and achievement. It was stated that a severe discrepancy in spelling would not necessarily be indicative of a specific learning disability and that the component factors of spelling could be included under one or more of the other seven factors. Some of those commenters stated that when spelling was one of the factors to be evaluated the requirement should be that a severe discrepancy in two or more areas would have to be indicated.

Response. Though "spelling" is listed in the statute, the components of spelling can be assumed under the other seven areas of function. Spelling as a category per se has been deleted from the final regulations.

MAINTENANCE OF 2 PERCENT CAP ON COUNT

Comment. Some commenters indicated that (1) since specific learning disabilities are difficult to define based on current knowledge and (2) because of the need for extensive research to be conducted before a universally accepted definition can be created, the requirement in the Act that limits the number of children eligible to be counted as learning disabled for the purpose of generating the Part B entitlement should be extended. The suggestion was that the cap on counting these children for allocation purposes would remain until such time as it was possible to differentiate all of the specific learning disabilities.

Response. Under the statute, the cap is removed upon the effective date of these regulations. It is generally agreed by parents and professionals alike that the isolation of various labels used by different theorists, as cited in the legislative history, are overlapping and represent assumptions about conditions which cannot with current technology be successfully determined or discretely categorized. Other categories of handicapping conditions as defined have no cap. Since there may in fact be more than two percent of the school age population in some States that are handicapped by specific learning disabilities, such a limitation is inequitable. Such a procedure would not help provide a basis for the determination of whether a child has a specific learning disability, and would not provide assistance in helping to resolve questions of appropriate diagnosis or placement in the event of due process hearings. For these reasons, it is better to adopt the regulations and lift the cap.

NEED FOR ADDITIONAL RESEARCH

Comment. Several commenters pointed out the need for additional research in the area of specific learning disabilities.

Response. As stated in the preamble to the proposed regulations, this need is almost universally acknowledged. The Bureau of Education for the Handicapped and other HEW agencies will continue to support research on the nature and treatment of specific learning disabilities.

MEDICAL EVALUATION

Comment. A few commenters expressed concern that medical examinations were not mandated for every child suspected of having a specific learning disability.

Response. Medical services that are necessary for diagnostic purposes are covered by the definition of related services in § 121a.13.

MORE DETAIL

Comment. Commenters asked for more detail on some of the requirements, for example, a more extensive description of length of observation and specific behaviors to be observed.

Response. No change has been made. The Office of Education believes the evaluation procedures are already very extensive and should prevent mislabeling.

[FR Doc.77-36807 Filed 12-28-77;8:45 am]

American Vocational Association,
Arlington, Virginia, February 4, 1980.

Hon. Ike F. Andrews,
Chairman, Subcommittee on Human Resources, House Committee on Education and Labor, Rayburn House Office Building, Washington, D.C.

Dear Chairman Andrews: As your Subcommittee plans to hear testimony regarding the Juvenile Justice and Delinquency Prevention Act of 1974, P.L. 93-415, we would appreciate your consideration of the specific educational needs of this special population of youth. We are in full support of the issues suggested recently by the Council for Exceptional Children in its January 14 letter to you. It is critical that attention be given to aspects of current correctional settings, prevention through educational services, program models in various settings, and the corrdination of various services.

Clearly, vocational education programs have significant potential to impact both the prevention and correction of young delinquents. These programs combine the elements of basic skills, job skills, interpersonal/employability skills and other support services—a full realm of experiences which all young people need to prepare them for a productive adult life. At this time, a more particular system of delivery coordination must be developed in order to ensure this population's access to vocational education.

The American Vocational Association is prepared to assist you and the entire Subcommittee in the House's investigation into juvenile justice and delinquency prevention.

Sincerely yours,

Gene Bottoms,
Executive Director.

Illinois Collaboration on Youth,
Chicago, Ill., March 4, 1980.

Representative Ike Andrews,
Cannon House Office Building,
Washington, D.C.

Dear Representative Andrews: The Illinois Collaboration on Youth, a state-wide advocacy project representing over 200 youth service organizations, strongly recommends the independence of the Office of Juvenile Justice and Delinquency Prevention within OJARS. The importance of the OJJDP in having equal status and recognition as the other components of OJARS is critical to effectively implement the legislative priorities of the Juvenile Justice Act.

We request your consideration and support of this necessary change during the current reauthorization review.

Sincerely,

Arvid Hammers,
State Office Director.

MAILGRAM

Texas Coalition for Juvenile Justice,
Dallas, Tex., March 27, 1980.

Representative Ike Andrews,
House of Representatives,
Washington, D.C.

In consideration of the Runaway Youth Act, we urge you to consider distribution of funds according to population. The 10 centers in Texas funded by the act should be assured that "equitable distribution of funds" be allotted by population weight. We represent the Texas Coalition for Juvenile Justice, a private non-profit organization of thousands of interested citizens in our state.

John Albach,
President.
Anita Marcus,
Executive Director.

Pennsylvania Congress of Parents and Teachers, inc.,
Harrisburg, Pa. April 2, 1980.

Hon. **Ike Andrews,**
Chairman, House Sub-Committee on Human Resources,
Rayburn House Office Bldg.
Washington, D.C.

Dear Congressman Andrews: The Pa. Congress of Parents and Teachers, Inc. has supported the Bayh Act (Juvenile Justice and Delinquency Prevention Act of 1974). We have just found out that Congress is considering its reauthorization.

The Pa. PTA supports this bill! We hope you will too!

We recognize the milestones that this legislation has enabled our state to make in the development of community-based programs and the reduction of juvenile delinquency. We are committed to seeing that our state keep children out of adult jails and provide help for status offenders and their families.

Although no legislation is to be considered a panacea for all things, we hope that you will authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention to have independent sign-off powers for grant applications. We think this power should be granted to expedite the speedier delivery of services to children in need. We think the Administrator of OJJDP should have the discretionary decision of assigning grants.

We hope you will support our positions.

Sincerely,

Frank Patterson,
Juvenile Justice Chairman.

Youth Network Council,
Chicago, Ill., March 6, 1980.

Representative **Ike Andrews,**
Cannon House,
Washington, D.C.

Dear Representative Andrews: The Youth Network Council, a coalition of 125 youth work agencies in Metropolitan Chicago, is aware that the reauthorization of the Juvenile Justice Act is currently under review. We believe that it is critically important to the maintenance of our legislative priority and programmatic integrity that the Office of Juvenile Justice be granted independent status within OJARS. We urge your consideration and support of this measure.

With best regards,

Arnold E. Sherman,
Executive Director.

YWCA of Greater Pittsburgh,
Pittsburgh, Pa., April 2, 1980.

Hon. **Ike Andrews,**
Chairman, House Subcommittee on Human Resources,
Rayburn House Office Building, Washington, D.C.

Dear Congressman Andrews: We have recently learned that the Bayh Act (Juvenile Justice and Delinquency Prevention Act of 1974) is upcoming through the reauthorization process before Congress.

Our organization urges your serious consideration of this important legislation. Here in Pennsylavnia, those funds which our state receives through this Act provide for innovative delinquency prevention and Community-based programs for our youth.

In consideration of the proposed legislation now before the House and Senate, we strongly would like to suggest that the Office of Juvenile Justice and Delinquency Prevention be positioned independent of the Law Enforcement Assistance Administration.

Furthermore, to alleviate the continuous problem of OJJDP not being able to make its own discretionary funding decisions, we would like to recommend that the Administrator of OJJDP be given separate sign-off powers on future proposals.

We feel that there would still be effective coordination and cooperation between LEAA and OJJDP. Yet, we feel it is imperative that current legislation stress the importance of advocacy activities with Special Emphasis programs in order to substantiate delinquency prevention programs for today's youth.

Thank you for giving our concerns your most careful consideration.

Sincerely,

LAVERA BROWN, *President.*

ALBUQUERQUE ASSOCIATION FOR CHILDREN WITH LEARNING DISABILITIES,
Albuquerque, N. Mex., April 7, 1980.

Representative IKE ANDREWS,
Chairman, Subcommittee on Human Resources,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: The Albuquerque Association for Children and Adults with Learning Disabilities urges you to support those parts of H.R. 6704 (Reauthorization of the Juvenile Justice Act) which include training of personnel, programs and recognition of those with learning disabilities.

The prevention of delinquency and services provided to learning disabled youth, is of utmost concern to us all.

We urge you to vote for these provisions.

Sincerely,

ELIZABETH E. MCGLONE,
Executive Director.

CLEVELAND ASSOCIATION FOR CHILDREN
WITH LEARNING DISABILITIES, INC.,
South Euclid, Ohio, April 9, 1980.

IKE ANDREWS,
Chairman, Subcommittee on Human Resources,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN ANDREWS: The Cleveland Association for Children with Learning Disabilities, representing 550 members, is pleased to hear the HB 6704, "Reauthorization of the Juvenile Justice Act," includes the recognition of those juveniles with Learning Disabilities. In addition, we are delighted to hear that H.B. 6704 also provides the following:

(1) The Director of Special Education and Rehabilitation Services will be added as a member of the Federal Coordinating Council for Juvenile Justice.

(2) All state Juvenile Justice Advisory Councils will have representation from the Special Education discipline.

(3) Monies will be provided for funding training of Juvenile Justice personnel to recognize and provide services for those with Learning Disabilities.

We support the new additions to H.B. 6704 and urge that you will heartily support them also.

Sincerely,

MARY GIALLOMBARDO,
Executive Director.

RFD 3, LESNYX ROAD, NEW HAMPSHIRE,
February 12, 1980.

Representative IKE ANDREWS,
Suite 228, Cannon House Office Building.,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: As a citizen concerned with youth services, I urge your support of the reauthorization of the Runaway Youth Act. Moneys from this bill have served New Hampshire Children well and provided important services.

Sincerely

CHRISTINE BUTLER.

CATHOLIC FAMILY AND CHILDREN'S SERVICES,
Bellingham, Wash., March 5, 1980.

Mr. GORDON RALEY,
Staff, House Committee on Human Resources, U.S. House of Representatives, Washington, D.C.

DEAR MR. RALEY: I am writing in respect to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). From my perspective as Director of a community social service agency focusing on the needs of children, adolescents, and their parents, I believe it is essential that the very worthwhile activities of the OJJDP be continued and, if at all possible, at a level of increased financial support.

I would like to emphasize that over the last eight years OJJDP has been instrumental in cooperating with our Agency in the establishment of a number of specialized residential placement resources for children who are manifesting various levels of psycho/social dysfunction and who have come to the attention of authorities because of various acts of delinquency. We have closely monitored the progress of these programs and the activities of juveniles who have benefited from them. I am pleased to report that our post-placement evaluations indicate the level of recidivism to be approximately 25 percent. Although this certainly leaves room for considerable improvement, the fact that we were able to measurably assist 75 percent of the children in our facilities in making a more personally satisfying and social acceptable contribution underscores the project's inherrent value as community based activities. Again, without the cooperation of the OJJDP, it would have been virtually impossible for our Agency to develop such resources and make them available to children and adolescents in Washington State.

Another area in which the OJJDP has made a measurable contribution pertains to the matter of education and training of personnel concerned with the field of juvenile delinquency and prevention. I have personally been able to benefit from participation in such training programs and with the cooperation of the Federal office, have been able to implement a localized training program which was open to various agencies and individuals within the Western Washington area. These skills and training experiences are now being incorporated by the participating individuals in implementing their respective duties as members of Diversion Boards, Juvenile Probation offices, child placement agencies, Youth Service Bureaus, etc.

Finally, I believe that the OJJDP has been instrumental in promoting critical research which can provide valuable clues as to appropriate program design, modification and development. In our own area, we have been most fortunate in being able to capitalize on these kinds of services with a view to developing a comprehensive plan within the Northwest region that avoids costly duplication, emphasize methodology which is effective resulting in a broad juvenile prevention system which has measurable impact in our area.

While I have provided just a topical defense for continued funding and support of the OJJDP in this communication, I strongly hope that my illustrations will serve to encourage your support for the federal office and that you will be able to encourage your colleagues to also adopt a favorable view of this office and its most worthwhile endeavors.

Very sincerely yours,

EARL H. DANGELMAIER, ACSW,
Executive Director.

BROWN,
Box 535,
Wilten, N.H.

Representative IKE ANDREWS,
Suite 228,
Cannon House Office Building,
Washington, D.C.

DEAR MR. ANDREWS: This is in support of the continued funding of the Runaway Youth Program as a program of the Department of Health, Eduction and Welfare.

As a social worker, I have become aware of teen-agers who have left or been thrown out of their homes. It is imperative that programs, such as those funded in the act, be continued and strengthened.

It is, also, imperative that this be kept as a separate program and not be lumped with juvenile justice or title XX programs.

Walter T. Brown, ACSW, Ph. D.

Child and Family Services
of New Hampshire,
Manchester, N.H., March 10, 1980.

Representative **Ike Andrews**,
Suite 228, Cannon House Office Building,
Independence Avenue S.E., Washington, D.C.

Dear Representative Andrews: I understand that the Subcommittee on Economic Opportunity will shortly hold hearings on the reauthorization of the Runaway Youth Act (Title III of Public Law 95–115). I am the director of the Child Advocacy Program of Child and Family Services of New Hampshire and serve on the advisory committee of the New Hampshire Network for Runaway and Homeless Youth. The New Hampshire Network is partially funded under the Runaway Youth Act.

I urge you and the other members of your subcommittee to vote to reauthorize the Runaway Youth Act for the full five years asked by the Department of Health and Human Services. The New Hampshire Network has demonstrated the need for and effectiveness of such programs, and there is no need to require reauthorization every three years.

It is also essential that the Runaway Youth Program be kept within the Department of Health and Human Services rather than transferred to LEAA. At a time when we are trying to further segregate these youthful status offenders from those who have violated the criminal law it would be counterproductive to place this program in what is essentially a criminal justice agency.

Thank you for your kind attention to this matter.

Sincerely,

John H. Lightfoot, Jr.,
Child Advocate, Child Advocacy Program.

Orr and Reno,
95 North Main Street,
Concord, N.H., March 5, 1980.

Representative **Ike Andrews**,
Suite 228, Cannon House Office Building,
Independence Avenue SE., Washington, D.C.

Dear Representative Andrews: I understand that as chairman of the subcommittee on Economic Opportunity, you will be or have been conducting a hearing on the reauthorization of the Runaway Youth Act which expires in June, 1981. Some people have suggested that the Act might be moved to title XX or to L.E.A.A., both of which moves would probably entail significant changes in the focus of the act and the activities funded by it.

As a member of the Executive Committee of the Greater Concord Regional Office of Child and Family Services of New Hampshire, I am writing to you to encourage your support of the reauthorization of the Runaway Youth Act. Child and Family Services operates the New Hampshire Network of Runaway and Homeless Youth which offers shelter and counseling on a short-term basis for runaways. The Concord Regional Office has primary responsibility for overseeing a short-term residential center for these youth.

Out statistics show a steady growth in the number of youth and families served by our program which is partially funded by the Runaway Youth Act. Without such a program, the youth would be forced to fend for themselves and there would be little structure within which to attempt reconciliation. I would, therefore, urge you to consider carefully the ramifications of a restructuring or repositioning of the Act and strongly urge you to support the reauthorization of the Runaway Youth Act.

Sincerely yours,

Peter C. Scott.

NATIONAL RUNAWAY SWITCHBOARD,
Chicago, Ill., March 13, 1980.

Mr. GORDON RALEY,
Staff Director, Subcommittee on Human Relations,
2178 Rayburn House Office Building, Washington, D.C.

DEAR GORDON: Enclosed are some sample National Runaway Switchboard calls, as we discussed last week. I heard that your bill was dropped and the hearings are set for March 19. I'm prepared to testify if you need me.

Thank you again for all your help and support for the Switchboard.

Sincerely,

CYNTHIA MYERS,
Executive Director,
National Runaway Switchboard.

Enclosures.

SAMPLE CALLS TO THE NATIONAL RUNAWAY SWITCHBOARD

Names and locations have been altered to protect confidentiality.

Rosemary F., a 15 year old resident of an upper-middle class Los Angeles suburb left home before Christmas after flunking an English exam. She felt she had failed her parents and did not want to cause them anymore disgrace. After arriving in Portland, Oregon, where she hoped to stay with friends, she phoned the NRS* to put through a conference call to her home. in order to let her family know that she was alright. Here mother answered at home and informed Rosemary that her father had died suddenly the previous evening. Her mother assured Rosemary that she was not the cause of her father's death and that the whole family loved her very much and wanted her home in time for her father's funeral. After their family's reconciliation, Rosemary made another call to an uncle in a nearby city who arranged to pick her up and take her home.

Dominick, age 14, left his upstate N.Y., home after his stepfather beat him continually and permanently damaged his hand. After arriving in Philadelphia, he went to live with a man who had befriended him in a park near the bus station. Although the man was initially kind to him, he soon forced Dominick to prostitute himself with "friends" the man brought home, threatening to turn Dominick over to the police as a runaway if he refused to cooperate. Afraid of returning home and having no marketable job skills, Dominick felt trapped in this life of degradation. The NRS was able to place a conference call to a local runaway center which agreed to help Dominick leave the apartment where he was staying and arranged permanent foster placement for him.

Andrea, age 11, was ready to run away when she phoned the NRS. She felt her parents were too strict and that she was an outcast in her Marin County, California, community. After talking with an NRS volunteer, Andrea realized that life on the road would be worse than life at home. The NRS conferenced her in with a local counseling agency. A staff member at the agency said she would be happy to talk with Andrea and help mediate with her family.

Lenny, age 17, had left his home in Rhode Island at 14 because of conflicts with his brother and stepfather. During the three years he had been away from home he had moved around the country and finally settled in Atlanta. Lenny now had a responsible job as a mechanic and was preparing to return to school, but he missed his mother deeply and wanted to communicate with her. Lenny left a message for his mother through the NRS. His mother was overjoyed at hearing from him after three years and broke down and cried when the NRS volunteer read Lenny's message to her. After receiving a reply message from his mother, Lenny agreed to call her directly so he could arrange to meet with her face-to-face.

Fourteen year old Sharon had been repeatedly abused sexually by her father since she was five. The local child welfare agency finally intervened and took Sharon out of the family home. However, Sharon was placed in a locked detention facility that made her feel like a criminal, rather than a victim and was not appropriate to her needs. When Sharon called NRS she was very depressed and contemplating suicide. Through the NRS Sharon contacted a local runaway shelter with a youth advocacy component. One of the advocates was able to arrange Sharon's transfer from the detention facility to a more appropriate setting.

Tim, age 16, had run away from home because of school problems. He had come to San Diego from North Dakota because he felt the warm climate would make life easier for him. However, Tim found that the people he was living with were selling drugs and he was horrified. Not knowing the city very well, Tim didn't know where to go for help. The NRS volunteer conferenced Tim with a local runaway center. A counselor at the center talked with him, and Tim decided to go to the center for counseling and possible shelter.

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*National Runaway Switchboard.

David, a fourteen year old from the New Jersey suburbs of New York City, wanted to run away because he felt depressed all the time. Two of his siblings had been killed in an automobile accident in the last year and his parents and the rest of his family were still grieving. His mother often told him that she wished he had died in the crash instead of his brother and sister and David did not know what to say in reply to his mother. After talking with an NRS volunteer, David decided to go to a local youth counseling center and talk to a sympathetic clergyman instead of running away.

Renee, age 16, had run away from a California community where several young women had recently been abducted near a local shopping center and later murdered. Since Renee had worked at a donut shop in the shopping center and had left no note when she ran away, her parents worried that she had been murdered also. After several days on the road, Renee called the NRS and left a message for her parents, telling them that she was alright and wanted to be away for awhile to "sort things out". Her parents were very relieved to hear from her through the NRS. Although Renee did not go home for several weeks, she kept in contact with her parents every couple days so they would know she was O.K.

Four teenage runaways, ages 15–16, called the NRS from a remote southern town during the summer. They were 1,000 miles from home and had run out of money and food. They had not eaten or slept for 48 hours and needed a place to stay. There was no runaway facility in the area, but the NRS volunteer was able to find a gospel mission that agreed to pick up the four youths, house them and arranged for transportation home. All four youths agreed to go to the mission and later made conference calls (through the NRS lines) to their parents.

Chris, a 15½ year old high school sophomore, was abandoned by her mother. She came home from school one day and found that her mother and her mother's boyfriend had emptied out the trailer they had all lived in and had left town without a trace. When Chris called the NRS she had been wandering around town in shock for three of four days with no place to go and had a bad sore throat. The Iowa town she was calling from did not have a runaway shelter, but the NRS was able to find a local chapter of the Salvation Army that agreed to find Chris lodging, medical care and help her find relatives that could take her in.

Tom, age 16, left home because his parents fought excessively. Tom said that family tension was affecting his school work and he needed to be away. Staying with a married sister in a nearby town, Tom and his parents exchanged several messages through the NRS. His parents finally confessed that there was a family problem, and Tom came home after they all agreed to begin family counseling.

Martha B. was the mother of a 15 year old female runaway. Arriving home from work, Martha received a message from a neighbor that a youth officer from Nebraska had phoned to say that Martha's daughter had been picked up as a runaway and was being held in detention. The officer was willing to arrange transportation home but needed to hear from the mother. Martha B. called the NRS because she had no phone and could not afford to make the necessary calls to Nebraska to arrange the transfer of her daughter. The NRS put through several calls for Martha. Her daughter was able to return home the next day.

Sally, age 13, was two months pregnant when she called the NRS. While visiting a cousin in a distant city she had a pregnancy test, now that she was back home in Delaware she didn't know what to do. She called the NRS because she needed to get help from somewhere, and the NRS was the only social service she knew about. The NRS volunteer she spoke with talked with her about her fears and concerns—especially about telling her parents. The volunteer was also able to make a conference call to DAPI, Delaware Adolescent Programs, Inc., a statewide organization that provides services to pregnant teenagers in Delaware. Renee decided to go to the nearest DAPI Center for counseling and prenatal care, and the DAPI staff member said she would help Renee break the news to her parents.

Alex age 16, left home at the behest of the leader of a small religious cult who said his parents were the "agents of the devil". Alex now wanted to leave the cult, but he was in another part of the State selling candy door to door to support the cult. Alex called NRS and talked to his parents through the NRS conferencing service. His father and brother agreed to meet Alex on a busy street corner in the town where he was living and bring him home. Once he was back home, Alex called to thank the NRS, he was back home, in school and happy.

Janie had her parents' permission to leave home at 16 and get married. Now a year later, she was not at all sure that she had made the right decision. Her husband beat her almost every day, and Janie had recently had a miscarriage after a particularly savage attack. Janie now wanted to leave her husband, but she had no money of her own and had no place to go. She called the NRS because she remembered the number from over a year ago, when she contemplated running away before her parents agreed to let her get married. Although she was not a runaway the NRS helped her find a shelter for battered women that agreed to provide Janie with shelter, counseling and any other assistance she might require.

Toby, 15 suspected that he had V.D. He was afraid to go for treatments, however, because he did not want his parents to find out. Through the NRS, Toby spoke with a staff member at a local free clinic, who informed Toby of his right to treatment without parental consent and his right to confidentiality. Toby agreed to go to the clinic for treatments.

Amy age 15, came to Phoenix to get away from an abusive home situation. Now, six months later, she was working the streets of Phoenix as a prostitute and was regularly beaten by her pimp. She wanted to leave her pimp, but she did not know what to do or where to go. She called the NRS and the NRS volunteer conferenced her with a local runaway center that had a special project to help young prostitutes. The center was able to give her housing, counseling and other long-term services.

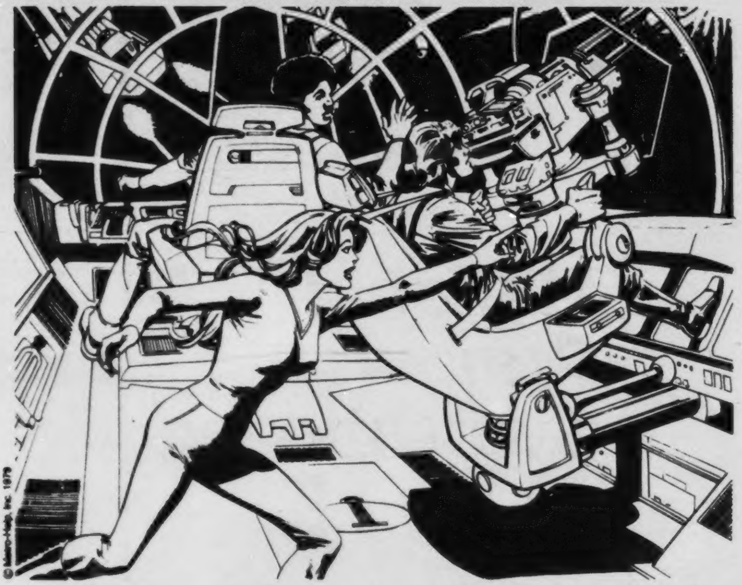
Eddie, age 12, called the NRS because he thought his older sister was contemplating running away. Eddie was afraid his sister would be hurt on the road and didn't know what to do. The NRS volunteer talked to Eddie about his suspicions and fears for nearly half an hour. At the end of the call, Eddie, much relieved, decided to talk to his sister about what was going on with her and said he would give her the NRS number to call if she wanted to.

Ray was a fifteen year old heroin addict when he ran away from home. He left because he needed to make money to support his habit and he didn't want his parents to know of his addiction. He was presently living with six other youthful addicts in an apartment near a large airport. He and his roommates (both male and female) supported themselves through prostitution and dealing drugs. Ray did not want to be an addict, and he called the NRS to talk about it. He said he most feared the violence in his present environment, and that he might die of an overdose or be killed by an angry customer. Through the NRS, Ray was able to contact his parents (who were willing to help him) and make arrangements to participate in a drug abuse program in his home city.

National Runaway Switchboard

Metro-Help, Inc.

AWAY FROM HOME? NEED HELP?



National Runaway Switchboard

800-621-4000
(IN ILLINOIS: 800-972-6004)
TOLL FREE, AROUND THE CLOCK

Being young and away from home isn't easy—there are all kinds of problems one can encounter. Housing, family problems, legal concerns, emotional diffulties, drug, medical or pregnancy problems—there are thousands of places all across the continental United States that help young people away from home in these and other areas.

No matter if the young person ran away from home, was thrown out or left with the parents' consent—or even is considering leaving home—the NATIONAL RUNAWAY SWITCHBOARD provides a toll-free telephone service that will help young people define their problems, determine if an emergency exists, and offer referral to a nearby program that provides first-rate free or low-cost help. In emergency situations, the NATIONAL RUNAWAY SWITCHBOARD will connect the young person directly to the source of help.

The NATIONAL RUNAWAY SWITCHBOARD guarantees complete confidentiality. When young people call they have total access to all the resources at the program's disposal. If they are interested in reestablishing communications with their family a message can be taken for delivery within 24 hours.

The NATIONAL RUNAWAY SWITCHBOARD. 800-621-4000 (in Illinois 800-972-6004). Toll-free, around the clock, around the year.

NATIONAL RUNAWAY SWITCHBOARD -- 1978 STATE BREAKDOWNS

This report is based upon 18,785 of the nearly 125,000 calls received on the National Runaway Switchboard lines during 1978 and is supplemental to the information contained in the "Data Report 1978" published by Metro-Help, Inc., operators of the National Runaway Switchboard service. Copies of this study are available from Metro-Help, Inc., 2210 N. Halsted St., Chicago IL 60614.

Column "A" lists the percentage of calls that originated in the state noted; column "B" lists the percentage of calls tallied by the home state of the youth (runaway, potential runaway, throwaway) in question.

State	A	B	State	A	B
Alabama	1.6	1.8	Nebraska	.9	.5
Alaska	t	.1	Nevada	.7	.5
Arizona	1.3	1.1	New Hampshire	.3	.7
Arkansas	.8	.9	New Jersey	3.5	4.2
California	10.5	10.1	New Mexico	.5	.4
Colorado	1.1	1.3	New York	7.3	7.4
Connecticut	1.3	1.6	North Carolina	2.6	2.2
Delaware	.3	.5	North Dakota	.1	.2
D.C.	.6	.4	Ohio	4.7	4.6
Florida	7.4	6.9	Oklahoma	1.0	.8
Georgia	2.4	1.5	Oregon	1.7	1.8
Hawaii	t	.1	Pennsylvania	6.1	5.8
Idaho	.2	.3	Rhode Island	.2	.3
Illinois	5.0	4.9	South Carolina	.7	.5
Indiana	3.8	4.1	South Dakota	.4	.4
Iowa	1.2	1.1	Tennessee	1.5	1.4
Kansas	.7	.7	Texas	6.5	6.1
Kentucky	.9	.8	Utah	.3	.3
Louisiana	1.3	1.0	Vermont	.3	.2
Maine	.6	.7	Virginia	1.8	1.8
Maryland	1.6	2.0	Washington	1.7	2.7
Massachusetts	2.3	2.6	West Virginia	.8	.7
Michigan	3.9	4.9	Wisconsin	2.3	2.5
Minnesota	1.2	1.4	Wyoming	.2	.2
Mississippi	.8	.9	Canada	t	.2
Missouri	2.7	2.5	Mexico	t	t
Montana	.3	.3			

The National Runaway Switchboard is available to young people 24 hours a day, seven days a week, toll-free, at 800-621-4000 (in Illinois: 800-972-6004). All business calls are received on 312-929-5854.

NATIONAL RUNAWAY SWITCHBOARD
Metro-Help, Inc. 2210 N. Halsted Street, Chicago Illinois 60614

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The NRS heard from more young people who were thrown out of their homes by their parents or guardians. Calls from these "throwaways" increased by 33% during the past two years.

The increase in calls from agencies was mirrored by an increase in calls from young people who were staying with agencies at the time of contact—these calls increased by 59%. More significantly, the National Runaway Switchboard heard from 12% fewer young people who were "on the road" at time of contact.

When breaking down the differences in problems discussed between 1976 and 1978, one notes a marked increase in child abuse calls on the NRS, as seen also on the regional lines. Here child abuse calls increased by 160%. The only other category showing a significant increase was sexual concerns (excluding rape and pregnancy); this category registered a 90% increase.

The percentage of calls concerning housing problems decreased by 32%; it is clear runaways contacting the NRS have become more efficient in finding acceptable places to stay. Calls concerning rape held steady during this two year period, medical problems showed a slight decrease as emotional concerns, family difficulties and drug related calls all showed slight increases.

NATIONAL RUNAWAY SWITCHBOARD— 1978

NUMBER OF CALLS IN STUDY: 10,705

LENGTH OF CALL (Minutes): Mean: 14.1 Mode: 5.0

AGE:	CALLER	CALLED ABOUT
5 years	0	0
6	0	0
7	0	.1%
8	0	0
9	0	.1%
10	.2%	.2%
11	.3%	.4%
12	1.1%	1.3%
13	3.9%	4.5%
14	9.7%	11.4%
15	18.7%	21.2%
16	22.8%	25.9%
17	20.8%	21.9%
18	3.8%	3.7%
19	2.1%	1.7%
20	1.5%	1.1%
21	1.0%	.7%
22	.9%	.6%
23	.8%	.6%
24	.8%	.5%
25	.9%	.6%
26	.6%	.4%
27	.6%	.5%
28	.7%	.4%
29	.4%	.2%
30	.6%	.3%
31 - 40	4.3%	1.2%
41 - 50	2.3%	.6%
51 - 60	.9%	.2%
61+	.4%	.1%

AGE OF CALLER (Mode): 16
AGE OF CALLED ABOUT (Mode): 16

SEX OF CALLER:	
Female	63.8%
Male	36.2%

SEX OF CALLED ABOUT:	
Female	64.0%
Male	36.0%

PERSON WHO CALLED	
Own problem	76.9%
Friend w/ problem	11.7%
Parent /Relative	7.1%
Agency	4.4%

STATUS OF YOUTH	
Runaway	83.1%
Pre-runaway	13.3%
Throwaway	3.6%

NUMBER OF DAYS AWAY	
1 - 3 days	32.6%
4 - 7 days	19.6%
8 - 14 days	14.8%
15 - 21 days	5.9%
22 days - 1 month	6.7%
1 - 2 months	7.0%
2 - 3 months	4.2%
3 - 6 months	5.6%
6 months - 1 year	3.9%
1 - 2 years	1.1%
2 - 3 years	.4%

Mean -- 43.1 days
Median -- 7.2 days
Mode -- 1 day

PROBLEMS EXPRESSED	
Housing	26.1%
Family Concerns	23.9%
Emotional Concerns	23.4%
Drug Related	4.2%
Sexuality	3.8%
Pregnancy Related	2.9%
Child Abuse	2.6%
Medical	2.1%
Rape	.8%
Other	10.2%

NUMBER OF TIMES PREVIOUSLY RAN AWAY

0	53.3%	7	1.1%
1	15.6%	8	.8%
2	9.3%	9	.6%
3	6.2%	10	1.4%
4	4.2%	11 to 20	2.4%
5	2.4%	21 to 30	.6%
6	1.4%	31+	.6%

LOCATION AT TIME OF CALL	
With Friends	41.9%
On the Road	36.8%
With Agency	10.5%
With Relative	4.1%
Living Alone	3.9%
Other	2.7%

For more information concerning Metro-Help, Inc., the Metro-Help regional service or the National Runaway Switchboard, write to the Executive Director, Metro-Help, Inc., 2210 N. Halsted St., Chicago, Illinois 60614, or call the business line, (312) 929-5854.

DATA REPORT 1978

Metro-Help Inc

During 1978, Metro-Help, Inc. continued operations on two twenty-four hour a day, seven day a week telephone youth service programs—the Metro-Help Chicago-area switchboard, in service since 1971, and the National Runaway Switchboard, in service since 1974. Each year, Metro-Help, Inc. releases a study on a representative portion of the telephone calls received on each of these lines during the previous year.

This study is based upon 31,481 of the logged "significant" calls received during 1978. Not all significant calls can be logged—during the busier half of the day (1:00 PM to 1:00 AM Chicago time) calls are coming in on a consistent basis and the volunteers staffing the lines often do not have the time to ask all the questions needed to fill out the appropriate log sheets used for this study. Metro-Help, Inc. estimates it received 70,000 calls on its regional service lines and upwards of 135,000 calls on its National Runaway Switchboard lines in 1978.

"Non-significant" calls are those in which no services were rendered. Prank and "phantom" calls (where the individual says nothing) are also deemed "non-significant."

METRO-HELP REGIONAL SERVICE

Comparing the 1978 statistics to those compiled in 1976, the Metro-Help regional service noted a 70% increase in significant calls. Furthermore, the average length of these calls increased by 19% to nearly 17 minutes each.

The types of problems discussed on the regional lines showed marked changes when compared to 1976 statistics. Child abuse calls increased by 233%, an overwhelming growth. Rape related calls increased by 167%, and calls involving sexual concerns and emotional concerns increased by 20% and 15% respectively.

On the down side, pregnancy related calls decreased by 40%, medical situation calls decreased by 28% and drug related calls decreased by 15%.

Whereas the drug related calls did go down, there were marked changes in the types of drugs discussed on the Metro-Help regional lines. Inquiries concerning marijuana and related substances increased by 127%, in large part due to the paraquat poisoning scare. Calls concerning the alcohol and psychedelics families of drugs increased 32% and 22% respectively; the service received 41% fewer calls concerning analgesics and 23% fewer calls concerning depressants. The percentage of calls concerning stimulants and various drug combinations held steady.

When looking at certain specific drugs, the service noted a 41% increase in calls concerning PCP and a 54% decrease in calls concerning heroin.

METRO-HELP REGIONAL SERVICE— 1978

NUMBER OF CALLS IN STUDY: 12,896

LENGTH OF CALL (Minutes): Mean: 16.8 Mode: 5.0

AGE OF CALLER (Mode): 17

AGE OF CALLED ABOUT (Mode): 17

AGE:	CALLER	CALLED ABOUT
5 years	0	.2%
6	t	t
7	t	.1%
8	t	.1%
9	t	.1%
10	.2%	.2%
11	.3%	.3%
12	.6%	.7%
13	1.6%	1.8%
14	2.5%	3.1%
15	3.9%	4.8%
16	4.3%	5.8%
17	6.0%	6.9%
18	5.1%	5.4%
19	4.2%	4.6%
20	4.8%	5.0%
21	4.3%	4.5%
22	5.2%	5.1%
23	5.0%	4.9%
24	5.7%	5.4%
25	5.0%	4.6%
26	4.0%	3.9%
27	3.6%	3.2%
28	4.5%	4.1%
29	2.8%	2.7%
30	3.3%	3.1%
31 - 40	13.8%	12.1%
41 - 50	5.5%	4.2%
51 - 60	2.6%	2.0%
61+	1.2%	1.2%

SEX OF CALLER:	
Female	58.8%
Male	41.2%

SEX OF CALLED ABOUT:	
Female	56.6%
Male	43.4%

PROBLEMS EXPRESSED	
Emotional Concerns	33.6%
Drug Related	19.7%
Family Problems	12.8%
Housing	8.7%
Sexuality	7.7%
Medical	5.1%
Pregnancy Related	3.2%
Rape	1.6%
Child Abuse	1.0%
Other	6.6%

CALLERS LOCATION	
Cook County	94.4%
DuPage County	2.9%
Lake Co. Ill.	1.5%
Will County	.6%
Kane Co.	.3%
Downstate Illinois	.1%
McHenry Co.	.1%
Kankakee Co.	t
Indiana	t

PERSON WHO CALLED	
Own problem	82.9%
Friend w/ problem	10.8%
Parent	3.2%
Agency	3.0%

TYPES OF DRUGS DISCUSSED (Groups)	
Alcohol	15.8%
Analgesics	13.9%
Drugs in combination	13.7%
Marijuana	13.2%
Depressants	12.1%
Psychedelics	11.6%
Stimulants	6.5%
Inhalents	.9%
Other	12.1%

SPECIFIC DRUGS DISCUSSED	
Alcohol	15.8%
Marijuana	12.9%
PCP	7.6%
Heroin	7.3%
Librium	3.3%
Methadone	2.4%
LSD	2.1%
Alcohol w/ non-barbiturates	1.6%
Alcohol w/ barbiturates	1.5%
Cocaine	1.5%

NATIONAL RUNAWAY SWITCHBOARD

Some interesting information comes out of a comparison of 1976 and 1978 National Runaway Switchboard statistics. As with the regional service, the average length of call increased, in this case by 13% to a fraction more than 14 minutes each. Calls from youth service agencies across the nation increased by 158%, calls from parents of runaways increased by 77% and calls from friends of runaways (and throwaways) increased by 65%. These various categories still account for a fraction of NRS calls, however, as nearly 77% of all significant calls received on these lines in 1978 were from people calling on behalf of their own problems.

Florastene Franklin,
Orlando, Fla., March 13, 1980.

Ike Andrews,
Russell House Office Building,
Washington, D.C.

Dear Ike Andrews: The DuRocher Runaway Shelter is the only program in Central Florida which provides immediate services to Youth in crisis 24 hours a day, 7 days a week. I feel that such programs should be a high priority for Federal funds.

Therefore, I urge you to support the continuation of the Runaway Youth Act.

Sir, this type of programs is needed here in Central Florida, because there are many kids getting thrown out of their parents homes, there are also many kids that's running away from their parents, because they are not getting the proper care that they need and want from their parents. Sir please take in consideration and support the program.

Yours truly,

Florastene Franklin.

Ms. Gwendolyn Cole,
Orlando, Fla., March 13, 1980.

Ike Andrews,
2446 Russell House Office Building,
Washington, D.C.

Dear Ike Andrews: The DuRocher Runaway shelter is the only program in central Florida which provides immediate services to youth in crisis 24 hours a day, 7 days a week, I'm a youth myself, and I feel that such programs should be high priority for Federal Funds.

I feel that if this program is cut then there would be more crimes out of youths.

Therefore, I urge you to support the continuation of the Runaway Youth Act.

Sincerely,

Gwendolyn P. Cole.

William Gonzalez,
Orlando, Fla., March 25, 1980.

Ike Andrews,
2446 Russell House Office Building
Washington, D.C.

Dear Mr. Andrews: My name is William. I work for Y.P.I. I've been working for Y.P.I. for the past four weeks. My work at Y.P.I. is very important to me. I love my job very much. My job at Y.P.I. requires to go work on the Du Rocher house. I met two young boys from the Du Rocher house. One of the young boys had left home because one of his father loved beating him up! So you tell me where was that young boy to go but the Du Rocher house. If that De Rocher house was not there where was the young boy to go! The streets, steel a car or who knows what! And the other boy. His family had thrown him out of the house. And again I tell you where was that young boy to go. But the Du Rocher house.

That House means so much to so many people. The family of these young children did not give a damn about the kids. The kids have no one to turn to but you. All I have to say is that I have no power over you what so ever. But if I did. Boy will I have your denotion burned to the ground and have you fired. All the power I got is to sit down and write you this letter. So please!

I urge you to support the continuation of the Runaway Youth Act.

Sincerely,

William Bill Gonzalez.

P.S. When you go home today just look all around and look at all the things you got to live for. A wife maybe, some kids. And even a dog. Where will the kids from the Du Rocher house go. Think about it. God bless you!

VISITING NURSES ASSOCIATION,
Manchester, N.H., March 17, 1980.

Representative IKE ANDREWS,
Cannon House Office Building,
Independence Avenue S.E., Washington, D.C.

DEAR REPRESENTATIVE ANDREWS. I am writing to urge your support for the reauthorization of the Runaway Youth Act, which expires in June 1981. We also advocate that the Runaway Act remain within H.E.W., the Youth Development Bureau.

Thank you for your consideration.

Sincerely,

MARILYN JENNATO,
Member, Advisory Board,
N.H. Network of Runaway and Homeless Youth,
Social Worker, Manchester V.N.A.

MARCH 23, 1980.

Hon. IKE ANDREWS,
Chairman,
House Subcommittee on Human Resources,
Washington, D.C.

DEAR MR. ANDREWS: I encourage your supporting the reauthorization of the Juvenile Justice and Delinquency Prevention Act.

Also, I would appreciate your giving serious thought to the separation of the Office of Juvenile Justice and Delinquency Prevention from the Law Enforcement Assistance Administration. It concerns me that major decisions regarding this country's youth must be handed down from L.E.A.A.—and not directly from O.J.J.D.P.

Thank you for your consideration.

KAREN EARLY,
Youth Advocate, Media, Pa.

MAPLE SHADE, N.J., *March 24, 1980.*

Hon. IKE ANDREWS,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. ANDREWS: We are writing you to urge you to approve reauthorization of the Juvenile Justice and Delinquency Prevention Act. We know how many important programs can be effected for children through this Act so it is critical that reauthorization take place.

In addition to reauthorization, we think you should give serious consideration to making the Office of Juvenile Justice and Delinquency Prevention an office separate from LEAA so that it can be an independent unit working on behalf of our young people through funding the best possible programs for them. After all, our young people are the future of our country.

Very truly yours,

FREDA AND HERMAN MINTZ.

JUDETH B. REINKE,
Philadelphia, Pa., *March 26, 1980.*

Hon. IKE ANDREWS,
Chairman, House Subcommittee on Human Resources,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. ANDREWS: It has recently been brought to my attention that in order to continue its outstanding work, it is necessary for The Juvenile Justice and Delinquency Prevention Act to be reauthorized. Please do everything in your power to make sure this happens.

It would seem desirable for OJJDP to be made a separate unit from LEAA, thereby ensuring its independence as it endeavors to do everything possible on behalf of children.

Thank you very much; your help in this important matter is critical.

Sincerely,

JUDETH B. REINKE,
Chestnut Hill, Pa.

MARCH 31, 1980.

Hon. IKE ANDREWS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: I'm writing to urge your support in reauthorizing the Juvenile Justice and Delinquency Prevention Act. Only in this way will the Federal Government be able to assist in helping children in trouble.

Also I respectfully suggest a separation between the Office of Juvenile Justice and Delinquency Prevention and the Law Enforcement Assistance Administration. This would allow both offices to run more effectively and efficiently.

Thank you,

DOROTHY HARRIS,
Elkins Park, Pa.

EMERGENCY SHELTER AND SUPPORT FOR YOUTH,
Winnetka, Ill., March 26, 1980.

Hon. IKE ANDREWS,
U.S. House of Representatives,
Subcommittee on Human Resources,
Washington, D.C.

DEAR MR. ANDREWS: HAVEN, an Illinois not-for-profit corporation, has been serving young people and their families on the North Shore of Chicago since July 1976. HAVEN provides a range of services to young people who have runaway from home, who have been locked out of their home, or who have in some way been abused and/or neglected by their guardians.

HAVEN, along with other member agencies of the Youth Network Council of Chicago, urges you to support several positions in the reauthorization process of the Juvenile Justice and Delinquency Prevention Act (JJDPA).

HAVEN would request your support of the following:

1. The separation and independence of the Office of Juvenile Justice and Delinquency Prevention in the Office of Juvenile Assistance, Research, and Statistics structure and an equal status with the Law Enforcement Assistance Administration.
2. The removal of children from jails and jail-like facilities.
3. An increase in JJDPA funding for fiscal year 1981 to 140 million dollars.
4. Funding of programs designed to provide services to the serious juvenile offender.
5. Reauthorization of the JJDPA for 5 years.
6. Retaining the Runaway Youth Act under the Youth Development Bureau of the Administration for Children, Youth and Families, and funding of the RYA for fiscal year 1981 at $17 million.
7. The inclusion of model delinquency prevention programs using the advanced techniques identified in the JJDPA.
8. The transfer of the OJARS' 19.15 percent maintenance of effort money to the OJJDP.
9. The removal of all status offenders from secure detention, jails and other jail-like facilities.
10. The retention of the National Institute for Juvenile Justice.

We would appreciate your support on these issues which are vital to the youth in our community

Sincerely,

PAUL HENDERSON,
Program Director.

J. W. Bateson Co., Inc.,
Dallas, Tex., April 1, 1980.

Ike Andrews,
Chairman, Subcommittee/Human Resources,
House of Representatives, Washington, D.C.

Dear Congressman Andrews: Your support is urgently requested for the measures in H.R. 6704, Reauthorization of the Juvenile Justice Act, which support recognition, training of personnel and programs for those with Learning Disabilities.

It is my understanding that the act contains in part the following:

1. Recognition and acknowledgment of needs for those juveniles with Learning Disabilities and other handicapping conditions.
2. The Director of Special Ed and Rehab Services be added as a member to the Federal Coordinating Council for Juvenile Justice.
3. All State Juvenile Justice Advisory Councils have representation from the Special Education discipline.
4. Provision for monies funding training of juvenile justice personnel to recognize and provide services for those with Learning Disabilities and other handicapping conditions.

With the link between juvenile delinquency and learning disabilities now established I am delighted that our Congress is taking steps to apply the real help so desperately needed.

Sincerely,

John A. Wacker.

Jefferson County Department for Human Services,
Louisville, Ky., April 2, 1980.

Representative Ike Andrews,
Chairman, Subcommittee on Human Resources, Committee on Education and Labor, U.S. House of Representatives, Washington D.C.

Dear Representative Andrews: I am writing this letter to express just how important the juvenile justice legislation is which would result in the removal of the Office of Juvenile Justice and Delinquency Prevention from LEAA to become a separate entity under OJARS, as well as the addition of an amendment to the 1974 Juvenile Justice and Delinquency Prevention Act which would support the removal of all juveniles from jails. This legislation and the referenced amendment is urgent in terms of our nation's youth and the ability of local governments to continue their involvement and commitment to juvenile justice programs on a local level, such as mine.

I respectfully urge that every effort be expanded to prevent the dissolution of the OJJDP.

Very truly yours,

Joseph P. Tolan, ACSW,
Deputy, Juvenile Justice Services.

Folcroft, Pa., *April 9, 1980.*

Hon. Ike Andrews,
Chairman, House Subcommittee on Human Resources, Rayburn House Office Building, Washington, D.C.

Dear Mr. Andrews: LEAA and OJJDP are our nation's finest crime prevention administrations. But all too often they become intertwined and costly financially as well as in human factors.

We believe making these two components completely separated will solve many of the now present bureaucratic problems.

Please consider this idea.

Yours truly,

Mr. and Mrs. John O'Connor.

Tulsa, Okla., *April 10, 1980.*

Ike Andrews,
Chairman, Subcommittee on Human Resources,
House of Representatives,
Washington, D.C.

Dear Sir: This letter is to urgently request your support for the measures in H.R. 6704 (Reauthorization of the Juvenile Justice Act) which support recognition, training of personnel and programs for those with Learning Disabilities.

Please give your vote to help provide services and prevention of delinquency to those youths with L.D.

Sincerely,

MRS. ALLAN FERGUSON.

MOORE, OKLA., *April 14, 1980.*

DEAR MR. ANDREWS: I'm writing this letter as a concerned parent of a Learning Disabled teenager, urgently requesting your support for the measures in H.R. 6704 (Reauthorization of the Juvenile Justice Act) which support recognition, training of personnel and programs for those with Learning Disabilities.

Please give your vote to help provide services and prevention of delinquency to those youth with L.D.

Sincerely,

BARBARA WARD.

STATE COLLEGE, PA., *April 11, 1980.*

IKE ANDREWS,
Chairman, Subcommittee/Human Resources,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: As the parents of three sons with learning disabilities, we implore you to strongly oppose the part of H.R. 6704 in which the National Institute on Juvenile Justice and Delinquency Prevention is removed from the Office of Juvenile Justice and Delinquency Prevention.

Despite the need to cut budgets, it must not be done at the expense of our youth and especially those with handicaps and accompanying emotional and delinquency problems. Without the continued research and program development, future budgets will necessitate added welfare and institutional cost for today's neglected youth.

For the sake of our sons and many others like them, because of their learning disabilities are unable to write to you, do not interrupt the progress that has been made to date. We ask that you insure continued research and program development so that the frustration and failure in learning of today that often leads to junvenile delinquency—may tomorrow, become the joy and success in learning and a decrease in delinquency.

Sincerely,

JOE AND GLADYS HART.

Please Look Inside me

Look With PACLD

Pennsylvania Association For Children With Learning Disabilities

PACLD is a non-profit, tax exempt organization for the purpose of helping young Pennsylvanians with normal intelligence overcome or cope with learning, perceptual and/or behavioral handicaps.

GOALS:

- To develop trained advocates who can help parents and professionals reach an understanding about the best way to provide an appropriate education in the least restrictive environment for the students whose academic achievements are significantly less than their intellectual ability.

- To create an awareness and understanding in the community about the special needs and problems of these children, their parents and teachers.

- To assist parents in locating information and services needed for identification and remediation and for determining the most appropriate educational placement.

- To support chapters in their program planning and development into a viable organization.

- To serve in an advisory capacity to the Agencies of the Commonwealth of Pennsylvania for the good of all handicapped children and their parents who seek to protect their rights to an appropriate education.

WHO ARE CHILDREN WITH LEARNING DISABILITIES?

Authorities estimate that 15 to 20% of all school children are learning disabled. These children usually have average or above average intelligence with perceptual, conceptual or coordinative disorders resulting in significant difficulties in speaking, listening, calculating math, or relating socially.

They are students who do poorly in school as compared to their ability and/or lack the social perception skills needed for acceptance by their peers and the community.

They are bright children who have some of these

COMMON PROBLEMS AND SYMPTOMS:

- POOR COORDINATION & CLUMSINESS
- DISTRACTIBILITY WITH SHORT ATTENTION SPAN
- DIFFICULTY WITH EXPRESSION OF THOUGHTS
- INACTIVE OR EXTREMELY OVERACTIVE
- LANGUAGE DISORDERS
- SPEAKS WELL BUT READS POORLY, GUESSES CONSTANTLY AND COMPREHENDS WITH DIFFICULTY
- DIRECTIONAL CONFUSION
- IMPULSIVITY AND LOW FRUSTRATION TOLERANCE
- HAS TROUBLE UNDERSTANDING OR FOLLOWING DIRECTIONS
- CONFUSES SIMILAR LETTERS AND WORDS SUCH AS B & D, WAS & SAW

While all children occasionally display some of these symptoms, children with learning disabilities frequently exhibit one or more over a period of time. Proper remediation is imperative.

These children are being identified under a myriad of terms, descriptions, and names. No matter what they are called, many will inevitably fail in school and become dropouts if they are not given special help—700,000 each year in the U.S.—75% of them in juvenile detention centers.

MEMBERSHIP

For more information about how to become a member, send this cared to PACLD.

☐ I would like to become a chapter member of PACLD. Please forward this card to my nearest affiliate.

☐ Enclosed are annual dues of $6.00 for PACLD and national ACLD.

Name ______________________________

Address ______________________________

Street

____

City

____

County

____

State Zip

Membership is open to everyone--
parents, professionals and
interested persons.

Membership fees and contributions
are tax deductible.

The Pennsylvania Association for Children with Learning Disabilities (PACLD) is affiliated with the National Association for Children with Learning Disabilities, Inc. and serves on — Pa. Dept. of Education — Advisory Committee and Education Consortium, Developmental Disabilities Advisory Council, Developmental Disabilities Advocacy Network and Pa. Coalition of Organizations for Exceptional Children.

PENNSYLVANIA ASSOCIATION
FOR CHILDREN WITH LEARNING
DISABILITIES
1383 Arcadia Road, Room 1A
Lancaster, Pa. 17601

Affiliated with the National Association for Children with Learning Disabilities, Inc.

Special thanks to Frank Schrader of State College, Pa. for the original drawing on the front cover

GEORGETOWN UNIVERSITY,
Washington, D.C., April 21, 1980.

Hon. IKE F. ANDREWS,
House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: On behalf of Georgetown University, we request that you consider reinstating the National Institute of Juvenile Justice and Delinquency Prevention (NIJJDP) as part of the Office of Juvenile Justice and Delinquency Prevention (OJJDP).

We understand that Representative Hawkins will introduce an amendment to that effect when HR 6704 which reauthorizes OJJDP is considered by the full House Committee on Education and Labor. We ask you to support the Hawkins amendment.

The National Institute of Juvenile Justice and Delinquency Prevention is the major Federal centralized effort in this field. Its abolition would substantially decrease the effectiveness of crime prevention efforts because the research done by NIJJDP establishes the basis for national planning. NIJJDP does not duplicate efforts of the LEAA National Institute of Justice, but rather, focuses exclusively on law-related problems of young people.

Without the National Institute of Juvenile Justice and Delinquency Prevention, many policy formative, action research and training programs would be reduced or eliminated. This would end such activities as training for judges, development of alternatives to incarceration, and advancement of standards for juvenile justice.

One of the jeopardized programs is of particular concern to Georgetown University. This is the program for high school-aged youth conducted by the Georgetown affiliated National Street Law Institute. This program includes the Street Law project at North Carolina Central School of Law in Durham high schools. Also, the State Department of Public Instruction's law-related activities throughout North Carolina would be affected.

We greatly appreciate anything you can do for us in this matter.

Sincerely,

T. BYRON COLLINS, SJ,
Special Asst. to the President.

YALE UNIVERSITY,
New Haven, Conn., April 28, 1980.

Hon. IKE ANDREWS,
U.S. House of Representatives,
Washington, D.C.

DEAR REPRESENTATIVE ANDREWS: I am writing to you because of your key role as a sponsor of H.R. 6704 reauthorizing the JJDP Act. I am fully in support of the key changes of H.R. 6704 as I understand them, though I have not had an opportunity to examine H.R. 6704 in detail.

As a former member of the National Advisory Committee on Juvenile Justice and Delinquency Prevention, and as a former Chairman of its Subcommittee on the National Institute of Juvenile Justice and Delinquency Prevention, I want to offer strong support for the proposed changes in H.R. 6704 relating to the Advisory Committee and the Institute.

First, let me say that at the time of LEAA's reorganization, I strongly urged merging the NIJJDP with the new NIJ. As one who has spent much of his academic career doing research on juvenile and adult justice matters, I cannot imagine anything more artificial and less beneficial of constructive research and action than the separation of juvenile and adult matters into neat boxes labeled "juvenile" and "adult". Nowhere, however, is this separation more artificial and harmful than in the case of research. It affects the kind of research that is done in both NIJJDP and NIJ. Much of the research in which we are interested should involve longitudinal designs, i.e., following persons and organizations over time. We are interested in adults when they were juveniles and in juveniles when they become adults. I could give many examples, if you wish, of studies that have been less useful and more costly than need be because this artificial separation prevails.

I find it quite surprising to learn that the current administrator of OJJDP considers the overlap between NIJ and NIJJDP "limited." It might be useful to know how he defines limited, but I should think that it is precisely that kind of thinking that is of least help in solving the problems that beset our understanding of the "crime problem" in this country. Indeed to label "crimes" as "delinquencies" simply because they are committed by someone under a given age is itself questionable. We do need to separate what you do with persons on the basis of their age and history of offending, but we should not treat problems of what causes people to violate laws and how we may induce more conformity or change established patterns of violating as if they were primarily issues of being "juvenile" or "adult". They are not. Indeed, were we to have fewer studies based on this artificial separation, our knowledge might advance more rapidly.

I need not add that I think funds might be spent more economically and efficiently were we to combine these programs. Juvenile justice need not be lost to administration or economy in an NIJ that the Congress creates to pay attention to these matters.

Finally, let me say a word or two about the size of the NACJJDP. As a former member, I often was frustrated more by its lack of effectiveness and the ways an administrator can blunt the intent of the Congress and the NACJJDP than I was by its size. Nonetheless, I think that a smaller body, properly selected and qualified to do more definite tasks, would function more effectively. And if it cannot do that, then I am in favor of a smaller size simply because if one creates an ineffective organization it might just as well cost each of us less.

If I can be of any assistance in providing more detailed argument or evidence for any of these statements, or if you would care to have me comment on other sections of H.R. 6704, I would be willing to do so to the best of my knowledge and ability.

Sincerely yours,

ALBERT J. REISS, Jr.,
Professor of Sociology.

MEMORANDUM FROM U.S. GOVERNMENT, DEPARTMENT OF JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MARCH 10, 1980.

To: Ira M. Schwartz, Administrator, OJJDP.
Through: David D. West, Director, FGTAD, OJJDP.
From: Doyle A. Wood, Juvenile Justice Specialist.
Subject: Position Paper—Amending Section 223(a)(13) to Require Removal of Children from Adult Jails and Institutions.

The purpose of this position paper is to provide a recommendation to amend Section 223(a)(13) of the Juvenile Justice and Delinquency Prevention Act of 1974. This paper presents a recommendation which is supported with background information, data, and rationales for change. Section 223(a)(13) of the JJDP Act states that juveniles alleged to be or found to be delinquent, status offenders and non-offenders shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

RECOMMENDATION

Change Section 223(a)(13) to read as follows: "provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which adult persons are incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;"

This charge is accomplished by deleting the phrase ". . . they have regular contact with . . ." after the term "institution" and placing the word "are" between the phrase ". . . persons incarcerated . . ."

This change will result in a requirement to remove children from adult jails, lock-ups, and institutions in lieu of the current requirement which only provides for separation of juveniles and adults.

Separation is an issue in almost all county jails and municipal lock-ups. Recent state experience in achieving "sight and sound" separation has often resulted in living conditions tantamount to isolation in the most undesirable areas of the facility (i.e., isolation cell, drunk tank, etc.). These experiences give rise to the

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notion that adequate separation as intended by the Act is virtually impossible within the confines of most county jails and city lockups.

An effort to require complete removal will strengthen the existing legislation and ensure juveniles' rights are not being violated, from either the constitutional guarantees or from the fact that a child under the juvenile justice system is not placed in an adult facility which is designed for the criminal justice process.

A timeframe for compliance, such as five years from date of amendment enactment, should be considered and built into the statutory language. A specific recommendation regarding a timeframe should be discussed in more detail before it is decided how to incorporate it into the language.

While the arguments for placing juveniles in jails are fragile and founded on incomplete and contradictory information, the arguments against holding juveniles in jail are pervasive and along scientific lines. They are summarized below.

The "criminal" label creates a stigma which will exist far longer than the period of incarceration. This stigma increases as the size of the community decreases and affects the availability of social, educational, and employment opportunities available to youth. Further, it is doubtful if the community's perception of the juvenile quarters in the county jail is any different than that of the jail itself.

"The negative self image which a youth often adopts when processed by the juvenile system is aggravated by the impersonal and destructive nature of adult jails and lock-ups. Research continues to document the deleterious effects of incarceration and the conclusion that this experience, in and of itself, may be a contributing factor to continued delinquent activity.

"The practice of holding juveniles in adult jails is contrary to the development of juvenile law and the juvenile justice system which, during the past 79 years, has adamantly emphasized the separation of the juvenile and adult systems.

"The occurrence of physical harm and sexual abuse of juveniles by adults is well documented and greatly increased within the secure and obscure confines of an adult jail or lock-up."

It has long been recognized that children require special protections when they come into contact with the criminal justice system. The initial impetus for the development of the juvenile justice court in 1899 was to provide such protections and remove children from jails and other parts of the adult criminal justice system.

CURRENT EFFORT (ADEQUATE SEPARATION)

OJJDP's initial effort focused on determining and defining the level of separation necessary for compliance with Section 223(a)(13) because of a lack of clarity in the statutory language. In this effort OHJDP considered all possible levels of "contact."

Working from the premise that regular contact between juveniles and adult offenders was detrimental and should be eliminated in secure confinement facilities, the effort was directed at what types of contact should be prohibited. The levels of contact which were considered included physical, visual, aural, and environmental. These various levels of contact were defined as follows:

No separation.—Adult inmates and juveniles can have physical, visual and aural contact with each other.

Physical separation.—Adult inmates and juveniles cannot have physical contact with each other.

Sight separation.—Conversation possible between adult inmates and juvenile although they cannot see each other.

Sound separation.—Adult inmates and juveniles can see each other but no conversation is possible.

Sight and sound separation.—Adult inmates and juveniles cannot see each other and no conversation is possible.

Environmental separation.—Adult inmates and juveniles are not placed in the same facility. Facility is defined as a place, an institution, a building or part thereof, a set of buildings or an area whether or not enclosing a building, which is used for the secure confinement of adult criminal offenders.

A common thread which ran throughout this effort was an attitude which approached each of the issues from an advocacy posture on behalf of youth. Considerable attention focused on the traditional representation of police, jailers, the courts and correctional officials, as well as the taxpayers and the architects, in matters related to the elimination of regular contact (or establishing it in the first place). It was clear that from an operational, financial, and design perspective that a limited interpretation of regular contact, such as physical only, would be the most expedient, most convenient, and least costly alternatives. Obviously, this is not what the Act intended. Throughout, the Act mandates an advocacy posture on behalf of young people on all relevant issues and seeks to provide a voice, or representation, for their interests in the planning and operation of the juvenile justice system. It is from this perspective that OJJDP has addressed the issue of "separation." It is currently the position of OJJDP that Section 223(a)(13) requires at a minimum that "sight and sound" separation be achieved.

RATIONALES FOR CHANGE

Data

The detention of juveniles in adult jails and lock-ups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolutions.

It is suspected that the general lack of public awareness, and the low level of official action are exacerbated by the absence of meaningful information, and the low visibility of juveniles in jails and lock-ups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly-conceived rationales. In fact, the time-honored but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny.

In reality, the aggressive and unpredictable threat to public safety perceived by the community is often just the opposite. A recent survey of a nine-state area by the Children's Defense Fund indicates that 18 percent of the juveniles in jails have not even been charged with an act which would be a crime if committed by an adult. Four percent have committed no offense at all. Of those jailed on criminal-type offenses, 88 percent are there on property and minor offenses.

Not until 1971, with the completion of the National Jail Census, did a clear and comprehensive picture of jails surface. By its own admission, the Census showed only a snapshot of American jails and the people who were incarcerated in them. Significantly, it excludes those facilities holding persons less then 48 hours. This is critical with respect to juveniles because it is the police lock-up and the drunk tank to which alleged juvenile offenders are so often relegated awaiting court appearance.

The Census did, however, give us the first nationwide indication of the number of juveniles held in jail. On March 15, 1970, 7,800 juveniles were living in 4,037 jails. A comparable census in 1974 estimated that the number had grown to 12,744. The inadequacy of the data is compounded when a determination of the number of juveniles admitted to adult jails and lock-ups each year is sought.

Recent surveys indicate that this figure ranges up to 500,000. The Children's Defense Fund states that even the half-million figure is "grossly understated" and that "there is an appalling vacuum of information . . . when it comes to children in jails."

A recent study funded by OJJDP reports the number of juveniles held in adult jails during the mid-1970's for forty-six states and the District of Columbia. During the mid-1970's, approximately 120,000 juveniles were being admitted annually to the adult jails of the states for which information was available. Again, it is significant to note that municipal lock-ups is not included in this study. The study presented a comparison of juveniles admitted and the percentage put in adult jails in lieu of detention centers. Fourteen states detained more than half of their alleged juvenile offenders in adult jails with eight of the fourteen detaining over three-quarters in jails. Regardless of the true figure, it is clear that the practice of jailing juveniles has not diminished during the last decade.

Injuries suffered by children in adult jails

A study developed by the Junvenile Justice Legal Advocacy Project and funded by OJJDP discussed the issue and litigation regarding injuries suffered by children in jails. The following is contained in that study.

Virtually every national organization concerned with law enforcement and the judicial system—including the National Council on Crime and Delinquency, American Bar Association and Institute for Judicial Administration, National Advisory Commission on Law Enforcement, and National Sheriff's Association—has recommended or mandated standards which prohibit the jailing of children. This near unanimous censure of jailing children is based on the conclusion that the practice harms the very persons the juvenile justice system is designed to protect and assist. As was concluded in Senate hearings on the subject: "Regardless of the reasons that might be brought forth to justify jailing juveniles, the practice is destructive for the child who is incarcerated and dangerous for the community that permits youth to be handled in harmful ways."

Jailing children hurts them in several ways. The most widely known harm is that of physical and sexual abuse by adults in the same facility. The cases of assault and rape of juveniles in jails are too many to be enumerated and too common to be denied. Even short-term, pre-trial or relocation detention in an adult jail exposes male and female juveniles to sexual assualt and exploitation and physical injury. One textbook gives the following description of the dangers of being a juvenile in jail:

"Most of the children in these jails have done nothing, yet they are subjected to the cruelest of abuses. They are confined in overcrowded facilities, forced to perform brutal exercise routines, punished by beatings by staff and peers, put in isolation, and whipped. They have their heads held under water in toilets. They are raped by both staff and peers, gassed in their cells, and sometimes stomped or beaten to death by adult prisoners. A number of youths not killed by others end up killing themselves."

Sometimes, in an attempt to protect a child from attack by adult detainees, local officials will isolate the child from contact with others. This also has been shown to be harmful to the child. As Dr. Joseph R. Noshpitz, past president of American Association for Children's Residential Centers and Secretary of American Academy of Child Psychiatry testified in *Lollis* v. *New York State Department of Social Services* that placing juveniles in jails often causes them serious emotional distress and even illness:

"In my opinion extended isolation of a youngster exposes him to conditions equivalent to "sensory deprivation." This is a state of affairs which will cause a normal adult to begin experiencing psychotic-like symptoms, and will push a troubled person in the direction of serious emotional illness."

What is true in this case for adults is of even greater concern with children and adolescents. Youngsters are in general more vulnerable to emotional pressure than mature adults; isolation is a condition of extraordinarily severe psychic stress; the resultant impact on the mental health of the individual exposed to such stress will always be serious, and can occasionally be disastrous.

Having been built for adults who have committed criminal acts, jails do not provide an environment suitable for the care and keeping of delinquents or status offenders. They do not take into account the child's perception of time and space or his naivete regarding the purpose and duration of this stay in a locked facility. The lack of sensory stimuli, extended periods of absolute silence or outbreaks of hostility, foul odors and public commodes, and inactivity and empty time can be an intolerable environment for a child.

For the juvenile offender who is jailed with adults, his term of detention exposes him to a society which encourages his delinquent behavior, even giving him sophisticated criminal techniques and contacts. High recidivism rates have shown to be false the belief that the unpleasant experience of incarceration will have a deterrent effect on the child's future delinquent acts. To the contrary.

If a youngster is made to feel like a prisoner, then he will soon begin to behave like a prisoner, assuming all the attributes and characteristics which he has learned from fellow inmates and from previous exposure to the media."

Being treated like a prisoner also reinforces the delinquent or truant child's negative self image. It confirms what many delinquent children already fear about lack of social acceptance and self worth. In its "Standards and Guides for the Detention of Children and Youth", the National Council on Crime and Delinquency concluded:

The case against the use of jails for children rests upon the fact that youngsters of juvenile court age are still in the process of development and are still subject to change, however large they may be physically or however sophisticated their behavior. To place them behind bars at a time when the whole world seems to turn against them, and belief in themselves is shattered or distorted merely confirms the criminal role in which they see themselves. Jailing delinquent younsters plays directly into their hands by giving them delinquency status among their peers. If they resent being treated like confirmed adult criminals, they may—and often do—strike back violently against society after release. The public tends to ignore that every youngster placed behind bars will return to the society which placed him there."

Additionally, incarceration in a jail carries with it a degree of criminal stigma. A community seldom has higher regard for those incarcerated in a jail than it does for the jail itself. This is especially handicapping to a youth from a rural or less sophisticated community with a small population.

Thus, the impact of jailing juveniles is directly in conflict with the purpose of the juvenile justice system which was expressly created to remove children from the punitive forces of the criminal justice system. No expose a girl or boy to the punitive conditions of a jail is to immediately jeopardize his or her emotional and physical well being as well as handicap future rehabilitation efforts.

Court decisions/litigation

In recent years, there has been a growing recognition by courts and commentators that individuals involuntarily committed to institutions for treatment have the "right" to such treatment, and, conversely, that individuals so committed who do not in fact receive treatment thereby suffer a violation of that right. In 1966, the United States Court of Appeals for the District of Columbia Circuit became the first federal court to recognize the right to treatment as a basis for releasing an involuntarily committed individual. The court listed several ways in which confinement without treatment might violate constitutional standards. For example, where commitment is without procedural safeguards, such commitment may violate the individual's right to procedural due process. Indefinite confinement without treatment of one found not criminally responsible may be so inhumane as to constitute "cruel and unusual punishment."

The United States Supreme Court has never squarely ruled on whether there is a constitutionally-based right to treatment. In *Kent* v. *United States*, the Court commented on the plight of children in the juvenile justice system:

"There is evidence, in fact, that there may be grounds for concern that the child receives the worst of both worlds: that he gets neither the protections accorded to adults nor the solicitous care and regenerative treatment postulated for children.

Later, in *In re Gault*, the Court reiterates the view of *Kent* that juvenile justice procedures need not meet the constitutional requirements of adult criminal trials, but must provide essential "due process and fair treatment."

Several courts have found a constitutional basis for the right to treatment in the Eighth Amendment's prohibition on cruel and unusual punishments. Their reasoning is generally based upon the principle established by the Supreme Court in *Robinson* v. *California* that punishment of certain statutes (e.g., drug addiction) constitutes cruel and unusual punishment. Still other courts have based the right to treatment on the principle that curtailment of fundamental liberties through involuntary confinement must follow the "least restrictive alternative" available. The principle was stated by the Supreme Court in *Shelton* v. *Tucker:*

"In a series of decisions, the court has held that, even though the government purpose be legitimate and substantial, that purpose cannot be pursued by means that broadly stifle fundamental personal liberties when the end can be more narrowly achieved. The breadth of abridgement must be viewed in the light of less drastic means for achieving the same basic purposes."

Under this rationale, the state violates the individual's constitutional rights if it fails to confine and provide treatment in the least restrictive setting possible.

The "right of treatment" developed in cases involving persons involuntarily confined for mental illness applies with equal force to the confinement of children in jails. The juvenile justice system is premised on the goal of rehabilitation, and juvenile courts have always been considered analogous to social welfare agencies, designed to provide treatment and assistance for children who have violated criminal sanctions or demonstrated socially unacceptable behavior.

The courts have recognized this principle. Indeed, in an early case considering the right to treatment, the petitioner was a juvenile who was being held in the District of Columbia jail as a result of an alleged parole violation. The court's decision was based on statutory grounds, but, in concluding that a juvenile who had not been waived by the juvenile court and tried as an adult could not properly be held in jail, the court noted:

"Unless the institution is one whose primary concern is the individual's moral and physical well-being, unless its facilities are intended for and adapted to guidance, care, education and training rather than punishment, unless its supervision is that of a guardian, not that of a prison guard or jailor, it seems clear a commitment of such institution is by reason of conviction of crime and cannot withstand an assault for violation of fundamental Constitutional safeguards."

The procedural due process rationale has specifically been used to declare that confinement of children in jails violates the children's constitutional rights. *Baker* v. *Hamilton* was a class action brought by parents of two boys who were confined in Jefferson County Jail, Kentucky, for four days and four weeks respectively, against the sheriff, jail warden, and four juvenile court judges, The action was brought on behalf of the two boys and fifty-eight other boys who had been confined in the jail during 1971. After hearing the expert testimony on the effects on juveniles of placement in the jail, and after personally visiting the jail, the court ruled as follows:

"The Court is of the opinion that the present system used by the Juvenile Court Judge and his Trial Commissioners of selective placement of forty-five juveniles in the Jefferson County Jail in pre-dispositional matters and of fifteen juveniles as a dispositional matter, even though these commitments be for limited periods of time, constitutes a violation of the Fourteenth Amendment in that it is treating for punitive purposes the juveniles as adults and yet not according them for due process purposes the rights accorded to adults. No matter how well intentioned the Juvenile Court Judge's acts are in this respect, they cannot be upheld where they constitute a violation of the Fourteenth Amendment."

Several courts have found the basis for juveniles' right to treatment in the Eight Amendment prohibition on cruel and unusual punishments. In *Cox* v. *Turley* the court specifically addressed the pre-adjudication detention of juveniles in county jails. The court was specific in its conclusion. The court held that, taken together, the jailor's refusal to permit the boy to telephone his parents and the boy's confinement with the general jail population without a problable cause hearing, constituted cruel and unusual punishment in violation of the boy's right under the Eight Amendment to the Constitution. Furthermore, the court stated:

"The worst and most illegal feature of all these proceedings is in lodging the child with the general population of the jail, without his ever seeing some officer of the court."

In *Swansey* v. *Elrod*, juveniles between the ages of 13 and 17 who had been confined in the Cook County, Illinois, jail pending prosecution brought a civil rights action against the sheriff and others, alleging that such incarceration constituted cruel and unusual punishment. The court heard expert testimony that the jail experience would cause a "devastating, overwhelming emotional trauma with potential consolidation of (these choldren) in the direction of criminal behavior." The expert testimony concluded that "the initial period of incarceration is crucial to the development of a young juvenile: if improperly treated the child will almost inevitably be converted into a hardened permanent criminal who will forever be destructive toward society and himself." The court therefore concluded:

"Children between the ages of 13 and 16 are not merely smaller versions of the adults incaracerted in Cook County jail. As noted the effect of incarceration in Cook County jail on juveniles can be devastating. At present these juveniles remain unconvicted of any crime and therefore must be presumed innocent. Although the Eight Amendment does not mandate that this court become a super-legislature or super-administrator under these circumstnaces, the Court is not powerless to act. Under the Eight Amendment children who remain unconvicted of any crime may not be subject to devastating psychological and reprehensible physical conditions, and while other juvenile law cases are not strictly on point, they recognize that juveniles are different and should be treated differently. Thus, the evolying standards of decency that mark the progress of a maturing society require that a more adequate standard of care be provided for pre-trial juvenile detainees. Plaintiffs therefore have demonstrated that there is a likelihood of success on their Eight Amendment claim."

In *Baker* v. *Hamilton*, the court also concluded that the detention of juveniles in adult jails constitutes cruel and unusual punishment. The court's descussion is particularly significant because many of the conditions present in that case are also present in jails in rural areas.

Moreover, juveniles who are victims of assaults by other inmates may sue for violation of their right to be reasonably protected from violence in the facility. Several courts have held that confinement which subjects those incarcerated to assualts and threats of violence constitutes cruel and unusual punishment. Also, if juveniles are separated from other inmates in jails and kept in isolation, in order to protect them from assaults, the children may nevertheless suffer such sensory deprivation and psychological damage as to violate their Consittutlnal rights.

In *Lollis* v. *New York State Department of Social Services*, the court found that the isolation of a 14-year old girl in a bare room without reading materials or other form of recreation constituted cruel and unusual punishment. The court relied on expert opinion that such isolation was "cruel and inhuman."

Stance of national organization

Leading national organizations have worked together to address jail reform and adopted position statement regarding areas of inappropriate confinement in adult jails and lock-ups. On April 25, 1979 the National Coalition for Jail Reform (NCJR) adopted, by consensus, the position that no person under the age of 18 should be held in an adult jail. The coalition believes that confinement in an adult jail of any child is an undesirable practice. Such confinement has known negative consequences for youth—sometimes leading to suicide, always bearing life-long implications. The diversity of the 28 organizations underscores the significance and strength of this position among these groups. Represented on the NCJR are the American Correctional Association, the National Sheriff's Association, the National Association of Counties, the National League of Cities, the National Association of Blacks in Criminal Justice and the American Civil Liberties Union.

In 1974, the National Assessment of Juvenile Corrections assumed and defended the position that "placing juveniles in adult jails and lock-ups should be entirely eliminated." Similarly, the Children's Defense Fund advocated, "to achieve the goal of ending jail incarceration of children, states should review their laws to prohibit absolutely the holding of children of juvenile courtr age in jails or lock-ups used for adult offenders."

As early as 1961, the National Council on Crime and Delinquency stated that: "The answer to the problem is to be found neither in 'writing off' the sophisticated youth by jailing him nor in building separate and better designed juvenile quarters in jails and police lock-ups. The treatment of youthful offenders must be divorced from the jail and other expensive 'money saving' methods of handling adults."

The President's Commission on Law Enforcement and Administration of Justice established that "adequate and appropriate, separate detention facilities for juveniles should be provided." (The Challenge of Crime in a Free Society, 1967, p. 87.)

Subsequent national standards in the area of juvenile justice and delinquency prevention reaffirmed this position.

The National Advisory Commission on Criminal Justice Standards and Goals states that "jails should not be used for the detention of juveniles." (NAC Task Force Report on Juvenile Justice and Delinquency Prevention, Standard 22.3, 1976, p. 667.)

The American Bar Association and the Institute for Judicial Administration stated that "the interim detention of accused juveniles in any facility or part thereof also used to detain adults is prohibited." (IJA-ABA Juvenile Justice Standards Project, Interim Status, Standard 10.2, 1976, p. 97.)

The National Sheriff's Association stated that, "in the case of juveniles when "jail detention cannot possibly be avoided," it is the responsibility of the jail to provide full segregation from adult inmates, constant supervision, a well-balanced diet, and a constructive program of wholesome activities. The detention period should be kept to a minimum, and every effort made to expedite the disposition of the juvenile's case." (National Sheriff's Association of Jail Security, Classification, and Discipline, 1974, p. 31.)

Isolation

Many jurisdictions have interpreted the level of separation required for compliance with the act to justify the isolation of juveniles in adult facilities under the guise that they were technically separated by sight and sound. While su[illegible] movements at the state and local level would constitute violations of constitutional protections and be accomplished to the detriment of juveniles admitted to the particular facilities, past experiences with compliance matters made it clear that such technical deception would most likely occur in selected areas. This practice, however, is clearly addressed in the Federal Juvenile Delinquency Act (18 USC Section 5031 et seq. 7676 Supp.). While it applies only to juveniles being prosecuted by the United States Attorneys in Federal district courts, it nonetheless underscores the intent that "every juvenile in custody shall be provided with adequate food, heat, light, sanitary facilities, bedding, clothing, recreation, education and medical care; including necessary psychiatric, psychological, and other care and treatment." Its conspicuous use of the terminology similar to the Juvenile Juctice and Delinquency Prevention Act concerning "regular contact" gives credence to the notion that these minimum custodial provisions are under any scheme of separation. This is further supported by recent court litigation which has been that isolation of children in any facility is not only unconstitutional but is "cruel and inhuman (and) counterproductive to the development of the child." (*Lollis* v. ***New York State Department of Social Service.***)

The Children's Defense Fund in "Children in Adult Jails" circumscribe the placement of juveniles in jail. One standard approach is to require that children be separated from adult prisoners. "Separation, however, is not always defined in precise terms—sometimes a statute may specify that a different room, dormitory or section is necessary; in other cases, statutes provide that no visual, auditory or physical contact will be permitted. In still other states, the language is unexplained and vague. Although we have seen that one response to implementing this separation requirement is to place children in solitary confinement, legislatures seem not to have realized this would result, and a separation requirement is not usually accompanied by a prohibition on placing children in isolation. In fact, in none of the states studied did the statutes prohibit isolating children in jails.

"It is important to note that a clear and strongly worded separation requirement is no guarantee that children held in jails will receive services particularly geared to their special needs, i.e., educational programs, counseling, medical examinations, and so on. While many separate juvenile detention facilities are required by state statute to have a full range of such services, including sufficient personnel trained in handling and working with children, children in these same states who find themselves in adult jails are not required to be provided with a similar set of services.

"Some states, at least, appear to recognize that the longer a child is detained in jail the greater the possibility of harm. As a consequence, their statutes established time limitations on the period that children can be held in jail; if some exist, extensions of indefinite duration are often sanctioned upon court order."

Federal legislative history

In introducing a Senate bill which became the Juvenile Justice and Delinquency Prevention Act Senator Bayh described the provision later embodied in Section 223(a)(13).

My bill contains an absolute prohibition against the detention or confinement of any juvenile alleged or found to be delinquent in any institution in which adults—whether convicted or merely awaiting trial—are confined. Juveniles who are incarcerated with hardened criminals are much less likely to be rehabilitated. The old criminals become the teachers of graduate seminars in crime. In addition, we have heard repeated charges about the homosexual attacks that take place in adult institutions, and confining juveniles in such institutions only increases the likelihood of such attacks. There is no reason to allow adults and juveniles to be imprisoned together. Only harm can come from such a policy, and I would forbid it completely.

During floor debate on the Act in 1974, Senator Hruska declared, "What we are doing here is establishing a national standard of due process in the system of juvenile justice." And in urging enactment of the provisions of the Federal Juvenile Delinquency Act which prohibits confinement of juveniles in jails with adults, which were passed as amendments to Juvenile Justice and Delinquency Prevention Act legislation, Senator Mathias stated:

Upon Federal Assumption of jurisdiction, the guarantee of basic rights to detained juveniles becomes extremely important. Each juvenile's attitude toward society and his ability to cope with life upon his release will be affected by the treatment received while under detention. We must not permit our young people to be detained under conditions which, instead of preparing them to face life with greater optimism, will assure their future criminality.

Cost considerations

Preliminary research findings concerning the costs of removing juveniles from adult jails and lock-ups indicates that the economic costs associated with removing juveniles from adult jails and lock-ups may be less expensive than the cost of meeting the "sight and sound" separation mandate of the 1974 Juvenile Justice and Delinquency Prevention Act. The research presents cost estimates for three policy options: (1) continuing existing juvenile pretrial placement practices, (2) achieving the separation of adults and juveniles in local jail facilities, and (3) removing juveniles from adult jails and placing them in alternative juvenile facilities. The cost estimates of these policy alternatives were based on a case study of a seven-county region in East-Central Illinois which considered the costs of child care and sustody as well as the transportation costs to be associated with regional cooperation between counties examined.

Several jails in the region were found not to be in strict compliance with the sight and sound separation mandate of the Act. The results indicated that completely separating juveniles from adults in these jails would, in many cases, be architecturally unfeasible and/or cost prohibitive. If all 366 juveniles annually detained in the adult jails of this region were transported to a nearby juvenile detention center (maximum distance of 50 miles), yearly pretrial placement costs would increase by an estimate 31 percent ($50,000) over current costs. Many of the 366 juveniles detained in these adult jails were charged only with status offenses or misdemeanors. Previous research by the Community Research Forum suggests that these children could be released to nonsecure settings without posing a threat to the public safety or court process. Therefore, if all children detained in adult jails were released to appropriate pretrial settings (i.e., shelter care or juvenile detention), pretrial placement costs for this region would increase by only 18 percent ($28,000) over current costs.

The research conducted by the Community Research Forum (CRF) suggests that achieving the sight and sound separation mandate of the Juvenile Justice and Delinquency Prevention Act is not economically feasible in many existing local jails. Experience suggests that many children are placed in county jails even though alternative juvenile facilities are located only a few miles away in a neighboring county. This study indicates that in regions where alternative juvenile facilities exist, but are not being fully utilized, children can be completely removed from jails at a minimal increase in pretrial placement costs. (Dykatra, Larry, "Cost Analysis of Juvenile Jailing and Detention Alternative," Community Research Forum, University of Illinois. Final report scheduled for release in April 1980.)

Juvenile deaths by suicide in jails

Preliminary research findings concerning the suicide rate among children who are placed in adult jails indicates that juvenile who are incarcerated in jails commit suicide much more frequently than do children in secure juvenile detention centers.

Federal policy currently permits children to be placed in adult jails if they are kept separate from adult prisoners. However, past research suggests that facility and staff limitations of jails often result in juveniles being held in isolation without supervision. These studies imply that placing children in jails, even when separated from adults, is both physically and emotionally damaging to those children. This paper presents data which have been gathered by means of the mail distribution of questionnaires to a national probability sample of adult jails in order to test the following hypothesis: the suicide rate among juveniles held in jails is higher than the suicide rates among children held in secure juvenile detention centers.

Provisional findings strongly support the validity of the working hypothesis. At present, 61 percent of the questionnaires that were mailed out have been received which gives us a total of 1,467 jails in our sample data. The incarceration of 69,214 individuals below the age of 18 during 1978 in those jails have been documented, which indicates that approximately 113,466 juveniles were held in all U.S. jails during that year.[1] Of those children, five were found to have committed suicide, which means that the suicide rate for juveniles incarcerated in jails during 1978 was approximately 7.2 per 100,000 children. This is roughly seven times the suicide rate among children held in secure juvenile detention centers. Thus, we can conclude that the suicide rate among juveniles incarcerated is adult jails is significantly higher than the suicide rate among children held in secure juvenile detention facilities.

(This study, conducted by Michael G. Flaherty of Community Research Forum, University of Illinois, entitled "An Assessment of the Incidence of Juvenile Suicide in Adult Jails, Lock-Ups, and Juvenile Detention Centers," is scheduled for preliminary release by March 15, 1980 and final release by June 1980.)

Other considerations justifying removal in lieu of separation

The separation of juveniles and adult offenders in most of the nation's jails and lock-ups is not only impractical from a cost standpoint but often architecturally impossible. This is particularly the case when viewed from the perspective that the juvenile area must comport to state or national standards regarding living conditions as well as the required sight and sound separation.

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[1] These figures do not include the number of children detained in the nation's police lock-ups. Data on the incidence of suicide in police lock-ups are now being collected and they will be included in the final report. Furthermore, there is evidence to indicate that some of these data reflect state statutes with regard to the legal definition of juvenile status rather than the requested definition of persons under the age of 18.

The separation of juvenile and adult offenders is an enormous operational problem for law enforcement officials at the county and municipal level. The required level of supervision not only creates operational problems but often compounds an already overcrowded jail situation due to the disproportionate amount of living space. The sight and sound separation of juveniles typically involves the designation of an entire residential unit regardless of the number of juveniles held. These situations have been documented as high as a 24-bed unit utilized for two juveniles and are as prevalent in recently constructed facilities as in older jails lock-ups.

In several states the move to achieve sight and sound separation has resulted in the diversion of limited youth services dollars. A case in point is the State of New Mexico where, in a time of fiscal austerity, the state legislature appropriated $4 million for the architectural renovation of existing jails and lock-ups. While commendable in principle, the desire by New Mexico officials to meet the mandates of the JJDP Act utilized funds which were sorely needed for alternative programs and youth worker salaries.

Regardless of sight and sound separation, the confinement of juveniles in adult jails and lock-ups relegates them to the woefully inadequate basic services which have become the hallmark of these facilities. The documented lack of crisis counseling, medical services, recreational areas for indoor and outdoor exercise is particularly critical when viewed in context with the special needs of young people. Nowhere is this situation more acute than in the area of medical services where [illegible] ten percent of the county jails maintain a level of service beyond a first-aid kit.

The sociological arguments regarding the confinement of juveniles in adult jails and lockups are pervasive and long-standing. The perception of the community with respect to the adult jail or lock-ups are typically linked to the most sensational and aggravated criminal act. The general citizenry, particularly in rural areas tend to identify all jailed residents in that same light, thereby stigmatizing all youth who are admitted to the facility. The long-term result of this perception is a lessening of opportunities in the community in the area of school and extracurricular activities, employment and civic responsibilities. Equally as destructive is the reinforcement of community rejection experienced by the youth and the feeling of negative self-worth.

The environmental response to residents is typically directed to the most dangerous criminal. In an adult jail or lock-up, security hardware and architecture, staff attitudes and building materials are developed with the serious felon in mind and almost always inappropriate for the majority of adult offenders, let alone the juvenile residents.

Given the fact that most jails far exceed the residential maximum of 20 beds recommended by the national standards for juvenile facilities, the well documented problems inherent in large facilities are applicable. These include:

Larger facilities require regimentation and routinization for staff to maintain control, conflicting with the goal of individualization. Smaller groups reduce custody problems, allowing staff a more constructive and controlled environment;

Larger facilities convey an atmosphere of anonymity to the resident and tend to engulf him in feelings of powerlessness, meaninglessness, isolation and self-estrangement;

Larger facilities tend to produce informal resident cultures with their own peculiar codes which function as a potent reference for other residents;

As the size of a detention facility increases, the staff to youth ratio declines; and

Larger facilities reduce communication between staff and residents, as well as, between staff members themselves.

Preliminary research findings regarding state juvenile code indicate an increase in the number of state legislatures which have enacted prohibitions against the confinement of juveniles in adult jails and lockups. Significantly, the State of Washington, Maryland and Pennsylvania have successfully defended this prohibition in subsequent efforts to amend the legislation. (King, Jane, "A Comparative Assessment of Juvenile Codes," Community Research Forum, University of Illinois. Final report scheduled for release in April 1980.)

While some states had enacted legislative restrictions prior to the passage of the 1974 Juvenile Justice and Delinquency Prevention Act, the majority of the legislative activity on this subject was in response to the mandates of the Act. More significantly, the legislation enacted since 1974 has removed many of the ambiguities which have plagued the earlier legislation. In addition, states have moved increasingly to an outright prohibition on the jailing of juveniles rather than the traditional response of merely separating within the facility.

Preliminary research findings regarding the attitudes toward the practice of confining juveniles in adult jails and lock-ups indicate a strong opposition to the jailing of non-offenders, status offenders and property offenders. Opinions were mixed (about 50–50) with respect to the jailing of person-offenders. These findings are significant in two respects—offenses against persons represent less than ten percent of all juvenile admissions to adult jails and lock-ups, and the citizens interviewed live in a rural county where the jailing of juveniles is most prevalent. (Pryor, Brandt, "Rural Registered Voters Beliefs About the Practice of Jailing Juveniles." Community Research Forum, University of Illinois. Final report scheduled for release in June 1980.)

Another example, as the Children's Defense Fund points out, is findings and policy of the DOJ's Bureau of Prisons.

Juveniles do not belong in a jail. However, when detaining a juvenile in a jail is unavoidable, it becomes the jailor's responsibility to make certain that he is provided every possible protection, and that an effort is made to help him avoid any experiences that might be harmful. This means that the juvenile must always be separated as completely as possible from adults so that there can be no communication by sight and sound. Exposure to jailhouse chatter or even to the daily activities of adult prisoners may have a harmful effect on the juvenile. Under no circumstances should a juvenile be housed with adults. When this occurs, the jailor must check with the jail administrator to make certain that the administrator understands the kinds of problems that may arise. There is always a possibility of sexual assault by older and physically stronger prisoners, with great damage to the juvenile.

Keeping juveniles in separate quarters is not all that is required. Juveniles present special supervisory problems because they are more impulsive and often more emotional than older prisoners. Their behavior may therefore be more difficult to control, and more patience and understanding are required in supervising them. Constant supervision would be ideal for this group and would eliminate numerous problems.

Juveniles in close confinement are likely to become restless, mischievous, and on occasion, destructive. Their tendency to act without thinking can turn a joke into a tragedy. Sometimes their attempts to manipulate jail staff can have serious consequences. A fake suicide attempt, for example may result in death because the juvenile goes too far; no one is around to interfere. (U.S. Bureau of Prisons, The Jail: Its Operation and Management)

SUMMARY

While the current language of the Act encourage the removal of juveniles from adult jails and institutions the only requirement is for separation of juveniles and adult offenders. There appears to be ample evidence that the mere placement of juveniles in adult jails, lock-ups and institutions produce many of the negative conditions which Congress sought to eliminate in Section 223(a)(13). These include the stigma produced by the negative perception of an adult jail or lock-up regardless of designated areas for juveniles, the negative self-image adopted by or reinforced within the juvenile placed in a jail, the often over-zealous attitudes of staff in an adult facility, the high security orientation of operational procedures, the harshness of the architecture and hardware traditionally directed towards the most serious adult offenders, and the potential for emotional and physical abuse by staff and trustees alike. In this same vein, it was felt that any acceptable level of separation within adult jails would not only be a costly architectural venture if adequate living conditions were to be provided, but would be virtually impossible in the majority of the existing adult facilities. Thus, the Act should be amended to require the removal of juveniles from adult jails, lock-ups, and institutions.

TABLE 3.—NUMBER OF JUVENILES DETAINED IN JAILS, BY STATE

State	Number	Year
Alabama	4,172	1976
Alaska	988	1975
Arizona	0	1975
Arkansas	5,106	1975
California	2,837	[1] 1976–77
Colorado	4,750	1975
Connecticut	0	1975
Delaware	0	1975
District of Columbia	0	1975
Florida		
Georgia	1,769	1975
Hawaii	47	[1] 1975–76
Idaho	5,548	1977
Illinois	4,785	1975
Indiana		
Iowa	4,445	[1] 1975–76
Kansas	1,783	1974
Kentucky	6,214	1974
Louisiana	2,352	[1] 1975–76
Maine	1,054	1975
Maryland	785	1975
Massachusetts	0	1975
Michigan	1,177	1975
Minnesota	5,701	1975
Mississippi	1,675	1975
Missouri	2,057	1975
Montana	3,434	1975
Nebraska	290	1975
Nevada		
New Hampshire	130	1975
New Jersey	0	1975
New Mexico	5,940	1975
New York	7	1975
North Carolina	2,706	1975
North Dakota	415	1975
Ohio	7,031	1975
Oklahoma	2,880	1972
Oregon	5,075	1975
Pennsylvania	3,196	1975
Rhode Island	0	1975
South Carolina		
South Dakota	1,882	1975
Tennessee	3,220	1975
Texas	5,195	1976
Utah	1,100	1975
Vermont	0	1975
Virginia	5,584	[1] 1975–76
Washington	299	1976
West Virginia	2,003	1975
Wisconsin	10,688	1974
Wyoming	2,074	1975
Total	120,398	

[1] Fiscal year.

Note: These figures do not include municipal lockups.

Source: Taken from Juveniles in Detention Centers and Jails, 1979; Poulin, Levitt, Young & Pappenfort.

RELATIVE COSTS OF JAIL SEPARATION OR JAIL REMOVAL FOR JUVENILES PRIOR TO ADJUDICATION BY THE JUVENILE JUSTICE SYSTEM

(By Charles P. Smith)

INTRODUCTION

This report assesses the relative costs of jail separation or jail removal for juveniles handled by the juvenile justice system prior to adjudication. The report report was prepared by the National Juvenile Justice System Assessment Center of the American Justice Institute for the U.S. National Institute on Juvenile Justice and Delinquency Prevention through review of available literature and telephone interviews of national and State sources.

LIMITATIONS OF AVAILABLE INFORMATION

Precise national information on the numbers and characteristics of either "persons under 18" or "persons classified as juveniles" who are placed in jail before or after adjudication is not currently available because:

The maximum age of original jurisdiction (as of 1978) ranged from the sixteenth to the eighteenth birthday among the States. Further; duration of jurisdiction (as of 1978) varied from the eighteenth to the twenty-third birthday among the States (11, pp. 101, 109).

As of 1978, 10 States provided for concurrent jurisdiction over juveniles in the juvenile and criminal court, 10 States excluded certain offenses from original juvenile court jurisdiction, and all but three States permitted waiver of persons from juvenile to criminal court jurisdiction at ages ranging as low as 13 (11, pp. 113, 119, 129).

The four major sources for such information (e.g., Bureau of the Census, American Correctional Association, the National Center for Juvenile Justice, and the Assessment Center on Alternatives to the Juvenile Justice System) use different samples, definitions, data elements, reporting periods, and criteria for what constitutes a jail placement.

The confidentiality of juvenile records makes access to detailed data difficult.

The various reporting systems currently do not enable adequate distinction between a person placed once in a jail from those persons placed more than once during a reporting period or the same person who is in different stages of the process (e.g., before or after adjudication).

ESTIMATED AVERAGE LENGTH OF STAY IN JAILS AND OTHER PLACEMENT OPTIONS

The average length of stay for juveniles placed in jail during 1976 was 4.8 days according to respondents representing 16 States in a survey made by the National Center for Juvenile Justice (13, p. 109). The average length of stay for juveniles placed in short-term public detention facilities in 1977 was 12 days (16, p. 3).

ESTIMATED NUMBERS AND CHARACTERISTICS OF PERSONS UNDER 18 PLACED IN JAIL

In spite of the limitations described above, a preliminary estimate of the numbers and characteristics of persons under 18 classified either as a juvenile or as an adult can be made:

A one day count taken by the U.S. Bureau of the Census in February 1978 throughout the nation showed that 4,920 persons under 18 (including both those classified as adults and juveniles) were being held in what was classified as a jail which did not include temporary holding facilities that do not hold persons after being formally charged in court (14). By using the average length of stay in jail for juveniles indicated above of 4.8 days and this one day count, it is estimated that 374,125 persons under 18 were placed in jail for 24 hours or more in 1978.

The above one-day count in February, 1978 identified 1,611 persons classified as juveniles who were held in jail—reflecting 1.0 percent of the total persons of all ages held in jail on that date prior or after adjudication (15, p. 3). By using the same average length of stay computation as was used above for persons under 18, it is estimated that 122,503 juveniles were placed in jail during 1978 for 24 hours or more.

This estimate of 122,503 juveniles held in jail during 1978 is consistent with the estimated 120,398 juveniles identified as being held in jail annually by the Assessment Center on Alternatives to the Juvenile Justice System using data from 47 States during 1972 through 1977 (8, p. 13). It is lower than the 257,097 juveniles who might be identified by multiplying the above average length of stay (of 4.8 days) and the "average daily population" of 3,381 juveniles reported for 1977 by the 442 (of 3,024) jurisdictions surveyed by the American Correctional Association (2, pp. 16–439). Of course, it is also lower than the 374,125 persons under 18 estimated above as having been held in jail in 1978 since the "person under 18" category includes both persons classified as juveniles (not including those over 18 under juvenile court jurisdiction) or as adults (either due to a lower age of original criminal court jurisdiction or waiver to criminal court).

The 1978 jail census showed that the frequency if jailing for juveniles varied dramatically among the States[1] with no juveniles in jail on that day in four States (District of Columbia, Maryland, Massachusetts, and New Jersey), 10 or less juveniles in jail in eight States (Alaska, Georgia, Iowa, Maine, New Hampshire, North Dakota, Pennsylvania and Utah), and that 11 States (California, Indiana, Kansas, Kentucky, Mississippi, New York, Ohio, Tennsesee, Texas, Virginia, and Wisconsin) held 60 or more juveniles for a total of 971 (or 60.3 percent) of the total 1,611 juveniles in jail (15, p. 3).

An estimated 7,800 juveniles were in jail (for 48 hours or more) on a given day in March 1970 according to a count taken by the Bureau of the Census (9, p. 4). Using the same average length of stay of 4.8 days as used above, it can be estimated that 593,125 juveniles were placed in jail during 1970. This figure is generally consistent with the "up to 500,000" juveniles processed through local adult jails each year during 1970–1972 estimated by the National Assessment of Juvenile Corrections (9, p. 5).

Data collected by the National Juvenile Justice System Assessment Center from four States as part of preparing this report indicated that 43,356 persons under 18, including 29,665 persons classified as juveniles, were held in jail or police lockups prior to adjudication during either 1978 or 1979. 28.3 percent (or 12,265) of these persons were juveniles being held in police lockups, 40.1 percent (or 17,400) were juveniles held in jails and 31.6 percent (or 13,691) were 16–17 years olds held in jail in a State where persons of that age are chassified as adults. This same data showed that, in one State, 90.6 percent of these persons considered as "non-delinquents" were kept in jail for 24 hours or less.

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[1] Not including five States (Connecticut, Delaware, Hawaii, Rhode Island, and Vermont) who had integrated jail and prison systems.

The characteristics of those juveniles or persons under 18 held in jail during 1977 and 1978 can be suggested by using information available from several different sources, i.e.:

54.2 percent of the persons under 18 were held pending adjudication (14).[2]

34.2 percent of the persons under 18 were held for an alleged or adjudicated violent offense (14)* as compared to 8.3 percent of the juveniles held for such an offense (5).[3]

43.3 percent of the juveniles held had no known prior court contacts (5).[3]

79.4 percent of the juveniles held were referred by law enforcement personnel (5).[3]

82.7 percent of the juveniles held were male (15, p. 3).[4]

83.1 percent of the juveniles held were between the ages of 14 and 17, with the remainder either 13 and under (6.8 percent) or over 18 (10.1 percent) (5).[3]

81.4 percent of the juveniles held were white (5).[3]

The above data suggests that:

A substantial number of juveniles are still processed through jails in many States (even though many States have eliminated or minimized such jailing entirely), and the reduction in the age of jurisdiction plus the expansion of waiver is causing more persons under 18 to be placed in jail—with all factors indicating that, almost as many persons under 18 are possibly being processed through jail in 1978 as in 1970.

The number of juveniles or persons under 18 exposed to a jail or police lockup experience of 24 hours of less is substantially under represented since the national jail census does not count such experiences, yet some data indicates that a high proportion of juveniles jailed are held for 24 hours or less.

An unusually high number of persons under 18 were held in jail pending adjudication in relation either to the severity of the offense or the presence of a prior record.

PROGRESS ON SEPARATION OF JUVENILES FROM ADULTS IN JAILS

Section 223(a)(12) of the U.S. Juvenile Justice and Delinquency Prevention Act of 1974, as amended, provides that juveniles alleged or found to be delinquents or non-offenders should not be detained or confined in any institution in which they have regular contact with adult persons convicted or awaiting trial for criminal charges. As of January 1980, only 15 of the 57 eligible jurisdictions report compliance with that provision, 21 additional jurisdictions reported "progress," seven reported "no progress," eight provided "inadequate information" and six are "not participating" (10, p. 41). As of April 1977, the laws of 47 States permitted detention of juveniles with adults in the same facility (10, p. 41).

It is believed that this lack of progress is due to primarily to the limited funds available for construction or modification of facilities to meet the requirement.

RECIDIVISM RATES FOR JUVENILES PLACED IN JAIL AS COMPARED TO OTHER ALTERNATIVES

National data is not available that compares recidivism of juveniles who are placed in various custodial alternatives prior to adjudication. However, a study in Massachusetts found that the highest recidivism (based on receipt of a new probation sentence or a recommitment) among juveniles committed to various program types were for those placed in jails (71 percent) or secure care facilities (67 percent). The lowest recidivism were for those placed in foster care programs (41 percent), nonresidential programs (45 percent) and group homes (46 percent). The same study concluded that "since around 80 percent of the youth are in relatively open settings with relatively low recidivism rates . . . it is possible to put the majority of youth in open settings without exposing the community to inordinate danger" (3, p. 2).

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[2] Based on the proportion reflected in the 1978 1-day count of persons under 18 held in jail.

[3] Based on the estimated total number of juveniles referred to juvenile court intake who were in a jail or police lockup overnight in 1977.

[4] Based on the proportion reflected in the 1978 1-day count of juveniles held in jail.

LIKELY SECURE PLACEMENTS NEEDED PRIOR TO ADJUDICATION

The Uniform Crime Reports indicate that arrests for a violent offense in 1977 were made of 81,695 persons under 18 (including those who are classified as adults in some States) (10, p. 79). Such arrests involved only 3.7 percent of all 1977 arrests for persons under 18 (1, p. 37).

According to National Center for Juvenile Justice data, 73.9 percent (or 1,853,627) of the 2,508,961 persons under 18 processed by the juvenile justice system in 1977 were diverted away from further formal handling prior to adjudication 10, (p. 22).

Of the persons under 18 adjudicated for a violent offense by the juvenile court in 1977, placement in a delinquent institution was made for 13.2 percent of those adjudicated for murder, 8.4 percent of those adjudicated for forcible rape, 10.9 percent for those adjudicated for robbery, and 3.8 percent for those adjudicated for aggravated or simple assault (1, p. 63).

Although serious offenders (including those who commit serious offenses or who are chronic offenders) constitute a small part of all juvenile offenders, they are responsible for a disproportionate share of juvenile crime. In the classic research carried out by Wolfgang and his colleagues, it was found that 6 percent of the total cohort was responsible for 52 percent of the total number of offenses, 53 percent of the personal injury offenses, and 71 percent of all the robberies committed by the cohort. In another study, Strasburg found that juveniles with five or more arrests ". . . were charged with 85 percent of all offenses committed by the sample . . . including 82 percent of all violent offenses." Further, as the Task Force on Crime of the Violence Commission observed in 1969, "When all offenders are compared, the number of hardcore offenders is small relative to the number of one-time offenders, yet the former group has a much higher rate of violence and inflicts considerably more serious injury". Finally, Vachss and Bakal observe that, "No more than 6 percent of young people charged with delinquency can be called 'violent,' yet, despite their small percentage, these deeply disturbed young people are responsible for as much as two-thirds of the total of serious offenses committed by persons under the age of seventeen."

A strategy frequently proposed for the serious juvenile offender is incapacitation. James Q. Wilson has stated that "If much or most serious crime is committed by repeaters, separating repeaters from the rest of society, even for relatively brief periods of time, may produce major reductions in crime rates." Shinnar speculates that, "[T]he rate of serious crime would be only one-third of what it is today if every person convicted of a serious offense were imprisoned for 3 years." Conversely, Van Dine, Conrad and Dinitz carried out a careful study to determine the effectiveness of a policy of incapacitation and concluded that, "It must not be expected that a policy of incapacitation will result in a significant statistical reduction in the rate of violent crime."

Shannon also examined 25 variables in an analysis of the seriousness of juvenile offenses and concluded that it is erroneous to assume "that statistically significant relationships and reasonably high correlations translate into the ability to predict continuity in behavior." Monahan, in a review of prediction studies, concludes that between 65 percent and 99 percent of those predicted to be dangerous or violent do not go on to commit such an act.

Feld states that "virtually every incarcerated juvenile will eventually return to the community, and it is imperative for both the community and the individual that the period of separation not be a source of harm, injury, or irreconcilable estrangement" (1, pp. 28–32).

Based upon the above findings, as well as information from the 1977 Massachusetts Task Force on Secure Facilities, the National Council on Crime and Delinquency, and the U.S. Children's Bureau, it is estimated that 10 percent of those juveniles alleged to have committed an offense would require secure detention prior to adjudication (9, p. 2; 4, pp. 542–543).

PROBABILITY THAT JUVENILES PLACED IN NONSECURE SETTINGS PENDING ADJUDICATION WILL RUN AWAY

National data is not available comparing runaway rates among juveniles placed in all types of custodial alternatives pending adjudication. However, a study of 11 programs that functioned as alternatives to incarceration prior to adjudication showed that runaways in 1976 ranged from 0.0 to 10.0 percent with an average of 4.1 percent (6, p. 125).

COST ELEMENTS

Average costs per day for several different forms of juvenile care and custody in 1977 dollars are:

Home detention	$14
Attention home	17
Small group home	18
Jail	24
Shelter	34
Secure detention [10, p. 48]	61

Variables affecting custody costs include:
Security level
Residential or non-residential placement
Degree of community isolation
Services provided in program or out-of-program
Staff/juvenile ratio
Sex of person in custody
Percent of capacity, and
Recidivism rate (12, pp. 172–183, 195).

Per bed construction cost for new large (e.g., 400 bed) high security facility in 1977 was estimated at $52,000 (12, p. 192). Per bed construction cost for a new or modified small medium security facility for a jail is estimated to be 80 percent of that—or $41,600. Due to severe wear on such facilities, and rapid remodeling or replacement, a five year amortization is assumed.

TABLE 1.—COMPARATIVE COST OF PREADJUDICATION CUSTODY FOR JUVENILES INCLUDING INITIAL RECIDIVISM

	1. Continue jailing as at present with partial separation	2. Continue jailing as at present with complete separation	3. Put all now jailed into secure detention	4. Put all now jailed into small group homes	5. Remove all now jailed and divide according to risk	
					90 percent into small group home	10 percent into secure detention
Juveniles jailed per year	122,503	122,503	122,503	122,503	110,253	12,250
Average days length of stay	×4.8	×4.8	×12	×4.8	×4.8	×12
Person days	588,014	588,014	1,470,036	588,015	529,214	147,000
Cost per day	×$24	[1] ×$36	×$61	×$18	×$18	×$61
Initial annual cost	$14,112,345	$21,168,504	$89,672,196	$10,584,270	$9,525,852	$8,967,000
Recidivism percentage	×0.71	×0.71	×0.67	×0.46	×0.46	×0.67
Subsequent annual cost	$10,019,764	$15,029,637	$60,080,371	$4,868,764	$4,381,891	$6,007,890
Total 2-yr cost	$24,132,109	$36,198,141	$149,752,567	$15,453,034	$13,907,743	$14,974,890
Total					$28,882,633	

[1] Assumes that 50 percent of juveniles are currently being placed in jails that do not meet separation criteria. Thus the capital outlay cost to meet the separation criteria are estimated to add an additional $12 per day (based on the following computation: $41,600 per bed cost divided by 5 yr amortization equals $8,320 annual cost divided by 365 days per year equals $24 per day cost divided by 0.50 percent for those additional persons who need separatiou eqnals $12 per day).

COMPARATIVE COST ANALYSIS

Based upon the above information, the cost analysis shown in Table 1 (p. 7) (using 1977 figures) can be made of jailing juveniles (with the required separation from adults) as compared to some alternative strategies. Table 1, reflects relevant variables (e.g., length of stay, cost per day, recidivism percentage) that impact on juveniles handled in five different custody alternatives. The computation shows that continuing present jailing practices would cost $24,132,109 for that group of juveniles over a two year period as compared to $28,882,633 for removing all juveniles from jail and placing 10 percent in secure detention and the balance in small group homes.

Two other options are prohibitively expensive (e.g., placing all now jailed into secure detention would cost $149,752,567 and providing for complete separation in jails from adults would cost $36,198,141). The placement of all persons into group homes is considered unacceptable since some persons are deemed tc likely require some secure custody.

The above formula does not account for possible costs that may be due to factors such as delay in court processing and availability of bail. However, these (and other) factors could be included into a local computation of relative costs and benefits—including a modification of any of variables in the above computation if desired.

RECOMMENDATIONS

Based upon the above assessment, it is recommended (for economic and programmatic reasons) that:

All juveniles handled by the juvenile justice system prior to adjudication should be placed outside of a jail and that only approximately 10 percent of these juveniles would require placement in a secure detention facility.[5]

Policies and procedures should be established to adequately screen out those persons not requiring placement in a secure detention facility.

Existing funds should be reallocated to accomplish both of the above.

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[5] This recommendation is consistent with those made by the Children's Defense fund in their 1976 report "Children in Adult Jails" (7, p. 5).

Strengthening Families as Natural Support Systems for Offenders

By Susan Hoffman Fishman and Albert S. Alissi, D.S.W.*

SERVICE programs in the field of corrections traditionally focus their efforts on rehabilitating, controlling or otherwise "treating" the individual offender, while little systematic attention is given to spouses, parents, children, relatives and other significantly related individuals whose well-being is often placed in jeopardy as a result of the offender's incarceration. Although the offender in prison is provided with food, clothing, shelter, some opportunity for job training and other types of physical and emotional support, the family, and specifically the woman, he has left behind has had to deal with all her needs alone. Not only must she establish a new life, care for her children and withstand the type of social criticism that can occur as a result of the crime committed by her loved one, but she must also learn to cope with the unfamiliar and often frightening court and prison systems in order to maintain meaningful contact with the offender.[1]

It has been documented that inmates who do maintain family ties while in prison have a better chance of remaining out of prison after their release. Drawing from a study of 412 prisoners of a minimum security facility in California, Holt and Miller,[2] in 1972, concluded that there was a strong and consistently positive relationship between parole success and the maintenance of strong family ties during imprisonment. The study suggests that family members, as a natural support group for offenders, have a tremendous potential for assisting in the reintegration of the offender to community life.

Since family members themselves, however, are under new pressures and face new financial and emotional burdens during the separation process, they are usually not in a position to serve in an effective helping capacity until they stabilize their own lives and adapt to the "crisis" situation brought on by their loved one's incarceration.

Judith Weintraub and Mary Schwartz, in their article entitled, "The Prisoner's Wife: A Study in Crisis" recognized and documented the need and importance of prompt assistance for families of offenders.[3] It is these individuals who must be helped to sustain themselves and to maintain stable relationships during separation so that the family unit can offer an offender the support and security he will need upon his release. Although specialized assistance to prisoners' families can be essential to the well-being of the family members themselves and their corresponding ability to assist in the reintegration process of the offender, recognition of the unique needs of these families and appropriate services are

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[1] Mary Schwartz and Judith Weintraub, "The Prisoner's Wife: A Study in Crisis," Federal Probation, Vol. 38, No. 4 (December 1974).

[2] Norman Holt and Donald Miller, *Explorations in Inmate Family Relationships*, Research Division, California Department of Corrections, Report Number 46, Sacramento, California: 1972.

[3] Schwartz and Weintraub, op. cit. See also Judith Weintraub, "The Delivery of Services to Families of Prisoners," Federal Probation, Vol. 40, No. 4, (December 1976). These articles were most instrumental in the development of Women in Crisis.

not available through existing social service agencies. And, even though existing literature on families of offenders clearly indicates the specific needs of this special group, it presents little guidance on concrete, practical service programs which can effectively address such needs.[4]

The purpose of this article is to describe an innovative pilot program in Connecticut which was designed to meet the special needs of offenders' families and which has been formally evaluated as being highly successful in accomplishing that task.

Women in Crisis is a private, nonprofit program which utilizes trained volunteers to support and assist women from the Greater Hartford area whose husbands, boyfriends or sons have been sentenced to prison for the first time. Women in Crisis was implemented in March of 1977.[5] During the planning stages of the project, the Advisory Board of Women in Crisis developed several basic, underlying concepts and premises upon which the program itself now operates: (1) The use of volunteers as service providers, (2) The relationship as the primary tool of the volunteer, and (3) Advocacy as a role of the volunteer.

1. *The Use of Volunteers as Service Providers.*—The first decision reached by the planners of Women in Crisis was an overwhelming commitment to the use of trained women volunteers as the primary service providers to clients. The Board and staff reached this decision after carefully documenting available research and observing the experiences of numerous women whose men were sent to prison. They realized that women whose men are sentenced to prison experience what is usually termed as a "crisis" in their lives, a short term situational disturbance. Except in unusual circumstances, they are not pathologically damaged.[6] Based on this information, the Board concluded that most women could adjust to the abrupt and distressing change in their life styles with the help of an informed, sensitive individual (volunteer).

In September of 1978, a study on the first 8 months of the program's operation was completed under the supervision of the University of Connecticut School of Social Work.[7] The researcher drew a total population sample including all clients and volunteers engaged in the Women in Crisis Program from March 1, 1977, through October 31, 1977. Interview schedules and questionnaires were developed, pretested in the field and administered. Clients and volunteers were contacted using all available information on record at the Women in Crisis office. In all, 22 out of a total possible sample of 40 clients were administered a personal interview; 16 were unable to be contacted and 2 refused to be interviewed. In addition, 14 of the 15 volunteers who had provided the services to the clients in the sample were identified and interviewed. The interview procedure was standardized and systematically applied to clients and volunteers alike. The study offered evidence that those volunteers who had been recruited from the community, trained by the program and assigned to assist families of offenders had been highly successful in their roles and offered invaluable services to their clients. In addition, statements made by volunteers, clients and representatives from community agencies connected with the program stressed several important reasons why volunteers can and should be major service-givers for the Women in Crisis Program. All of these factors have universal implications:

(1) Volunteers as helpers are not seen by potential clients as professional "do-gooders" or as part of any system connected with their recent experiences, but rather as concerned people addressing basic human needs.

(2) Volunteers as private citizens, taxpayers and community participants have a vested interest in the functioning of the correctional process. Their involvement in this process not only serves as a means of monitoring the system but can also serve as a tool for its improvement. One fine example of volunteers as pacemakers for change has occurred over the past year and a half at Superior Court in Hartford. Volunteers from Women in Crisis are present in court each sentencing day to approach and assist families immediately after an offender is sentenced and taken away. When the program initially began this service, court officials were suspicious of

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[4] See for example, Laura Bakker et al., "Hidden Victims of Crime," *Social Work*, Vol. 23, No. 2 (March 1978); Donald Schneller, "Some Social and Psychological Effects on the Families of Negro Prisoners," *American Journal of Correction*, Vol. 37, No. 1 (1975); Eugene Zemans and Ruth Cavan, "Marital Relationships of Prisoners," *The Journal of Criminal Law, Criminology and Police Science*, Vol. 49, No. 1 (1958); Harvey Wilmer, et al., "Group Treatment of Prisoners and Their Families," *Mental Hygiene*, Vol. 50 (1966); Pauline Morris, "Fathers in Prison," *British Journal of Criminology*, Vol. 7 (1967); Sidney Friedman and Conway Esselstyn, "The Adjustment of Children of Jail Inmates," *Federal Probation*, Vol. 29, No. 4 (1965) and Sister Maureen Fenlon, "An Innovative Project For Wives and Families of Prisoners," *FCI Treatment Notes*, Vol. 3, No. 2 (1972).

[5] Much of the early leadership in developing the program came from Margaret Worthington, a retired social worker, who conceived of the program in 1976 and served as the first President of the Women in Crisis Board of Directors.

[6] Schwartz and Weintraub, *op. cit.*

[7] *Women in Crisis Program Evaluation: March 1, 1977—October 31, 1977*, Hartford, Connecticut: Women in Crisis, 1978.

the volunteers and seemed indifferent to the needs of families in the court setting. For months, however, they have observed the positive effects resulting from information and support provided to families in court and, as a result, the sensitivity level of these court personnel has changed dramatically. Prosecutors, public defenders and sheriffs are now personally escorting families to Women in Crisis volunteers for assistance and are openly acknowledging an understanding of the stress being experienced by the families.

(3) As a result of their participation in the program, volunteers receive personal satisfactions and opportunities for education and growth. All volunteers are required to complete the intensive Women in Crisis training program before assignment is made. Training consists of four classroom sessions, each 3 hours in length. Topics include an introduction to the criminal justice system, values clarification, interpersonal skills, crisis intervention, the culture of poverty and a description of resources in the community. In addition to the classroom sessions, volunteers are also provided with orientations to Correctional Institutions and Superior Court. Periodic inservice training sessions are held throughout the year in order to provide detailed information on specialized topics of interest to Women in Crisis volunteers.

This growth and increased awareness of volunteers, in turn, affects the attitudes of others in the community with whom they come in contact. Women in Crisis volunteers interviewed for the program study highlighted some additional benefits gained through their involvement with the program. Half of the women interviewed observed an increase in their own sensitivity to the problems and strengths of others; approximately one-third of the volunteers felt that their communication skills became more highly developed; and one-third emphasized the satisfaction they received from making new acquaintances and coming to know women from different social and economic backgrounds.

(4) The participation of volunteers as the primary service providers to families of offenders is economically feasible for the program itself in a time when costs of services continue to increase.

II. *Relationship as the Primary Tool of the Volunteer.*—A second major concept which was substantiated by data in the evaluation study of the program, identified the informal, personal and nonprofessional relationship between the volunteer and her client as the most important factor in the client's adjustment to her new life. At certain times, particularly on sentencing day, on the first visit to the institution and during the first few weeks of adjustment, the "woman in crisis" was in crucial need of the human, practical, uncomplicated assistance that was offered by an objective, informal volunteer.

(1) *Sentencing Day.*—Regardless of the nature of the crime committed by an offender and the likelihood that the offense would necessitate his incarceration, most families are not prepared for the possibility that the man will, in fact, be going to prison for an indefinite length of time, and, as a result, display symptoms of shock, panic or emotional turmoil in court when sentencing does occur. Therefore, Women in Crisis was structured in such a way that volunteers, under the supervision of a court liaison staff person, would be available in court each sentencing day to provide immediate information on court procedures and prison rules as well as practical guidance and emotional support. The evaluation study substantiated the assumption that Women in Crisis clients would need and respond positively to informed, well meaning volunteers in court regardless of differences in race or social background.

Eighty nine percent of those clients interviewed felt that it was important for them to have had someone in court to assist them on sentencing day and the vast majority of clients stated that the race of their volunteer made no difference to them. The type of human support that volunteers provide each week can best be understood by examining the specific experiences of Mrs. S and her volunteer, Jan.

> Mrs. S., a woman in her fifties, is a widow with five sons. Her eldest son was in court to be sentenced for a sexual offense. Mrs. S. spoke in open court to the judge. She told him how she had tried to help her son and how difficult it had been for her. Jan approached Mrs. S. after the judge had sentenced the young man, explained who she was and asked if she could be of any assistance to her. Mrs. S. and Jan sat down together in the hallway, whereupon Mrs. S. put her head on Jan's shoulder and wept. She then expressed her feelings of frustration and shame in speaking before the judge. Jan assured her that her comments had made a great impact on the court. After talking with Jan for another 15 minutes, Mrs. S. told Jan that "just as I thought I didn't have anyone to turn to, you were there to help me."

(2) *First Visit.*—The first visit by a woman to her loved one in prison is usually a very difficult experience. There are a great many specific reg-

ulations and a precise visiting procedure outlined by the institution which can be overwhelming to a family member who is unaccustomed to expressing feelings in such a structured environment. The location of the prison itself can often present an insurmountable problem to a family without access to private transportation.*

The ability of a family member to acquire the appropriate information and support necessary to overcome these practical and emotional obstacles can determine her feelings towards subsequent visits. For this reason, the initial Advisory Board and staff of Women in Crisis felt that it was imperative for a volunteer, as part of her job responsibilities, to accompany a woman on her first visit to the prison. The volunteer would, in no way, be part of the actual visit itself but would be available to guide the woman through the procedure and discuss her reactions to it before and after the visit itself. In addition, by offering private transportation during weekday hours, the volunteers would be providing the "woman in crisis" with the opportunity to visit for the first time under less crowded conditions and for a longer period of time.

The evaluation study of Women in Crisis supported the program's commitment to the use of volunteers as helpers on the first visit. Over half of the clients interviewed experienced fear and nervousness before their first visit to the institution. Two-thirds of the clients interviewed indicated that they talked with their volunteers about their feelings prior to the first visit. Over 85 percent of the clients who were accompanied by their volunteers on their first visit said they relied heavily on the volunteer's presence. When asked whether it was helpful to have had a volunteer go with them on the first visit, 93 percent of the clients responded positively. Only those clients who were already familiar with the procedure felt that the volunteer's assistance was not imperative. It would seem, therefore, from this data, that the presence of a caring, objective person at this critical time in the family's adjustment process is very helpful. One volunteer described a client's first visit and her own role as an important helper:

> When I met Dee for the first time, I was amazed that she seemed so calm and so much in control of herself. Until we went up to the prison together for that first visit, I wasn't sure what I could offer her. We talked quietly during the drive to Somers but as we approached the parking lot of the prison, I noticed that her expression suddenly changed. We walked together to the metal detector and into the first waiting area. At this point, Dee completely broke down, refused to go any further and insisted that she would never come to this awful place again. I sat with her as she cried and quietly encouraged her to go into the visiting room, since her husband was probably just as nervous and anxious to see her as she was. After what seemed like hours, she did finally go in. Later she told me that she would never have done so if it had not been for me.

It should be mentioned, at this point, that Women in Crisis volunteers are instructed to accompany a client *only* on this first, critical visit. The program does not want the volunteer to spend her time simply as a chauffeur. Nor does it feel that it is helpful for the "woman in crisis" to develop a dependency on the volunteer for transportation over a long period of time. Clients are, therefore, encouraged to develop their own resources. Since many clients mentioned during the evaluation interviews that the institution was frightening for them only until they became familiar with the visiting routine, it is apparent that continued volunteer support on additional visits is unnecessary.

(3) *The 6- to 8-Week Adjustment Period.*—In addition to the critical support that a volunteer provides to her client at the specific points of crisis on sentencing day and on the first visit, a volunteer is also available as a resource on continuing, intensive basis for the 6- to 8-week period which usually reflects the average critical adjustment time for a woman whose loved one has recently been incarcerated. Periodic followup can continue until the point when the man is released from the institution if the family desires this support. Clients interviewed indicated that of all the types of assistance provided by the volunteers during this adjustment period, it was the most helpful to have been able to relate on a human level to another person, to have "someone to talk to." The following letter, which one client wrote to her volunteer, describes the impact that their relationship had on her life:

> Dear Meg:
>
> I wrote you this letter to know how you field. I wish that when you recive this letter you are in good condition of health.
>
> Mrs. Meg, I wish you have a good luck in your summer vacation. I meet you because you was a wonderwomen, who I was the pleasure to know. I would never

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* Somers Correctional Institution in Somers, Connecticut, is the primary intake prison for adult male felons in Connecticut, and, like many prisons throughout the country, is located in an area of the state that is not on any preestablished, major commuter routes. Until April of 1978, when Women in Crisis successfully advocated on behalf of its clients for increased public bus service to Somers, there was only one bus per week which traveled from Hartford, the major urban area serviced by the program. This bus traveled only on the weekend when visiting hours are shorter and when the visiting room is the most congested. There is, however, no regular public transportation from other areas of Connecticut to Somers.

> forget the day I know you because you bring me your friendly when I was alone.
>
> Have a great summer vacation with all of your families. Stay as nice as you are. I will always remember you.
>
> Sincerely,
> Your friend, Maria.

III. *Advocacy as a Role of the Volunteer.*—Although the initial Board of Women in Crisis considered the emotional support and assistance provided to a family member by a volunteer to be of critical importance, it also recognized additional concerns of clients which could not be addressed through emotional support alone. Families in turmoil need accurate information in order to make rational decisions about their future. They need to identify and establish contact with the appropriate personnel at the institution so that their concerns and fears about their loved ones can be expressed and addressed. They may need practical, professional services or crisis intervention to alleviate on-going or emergency situations. Many families facing problems so soon after the offender's incarceration feel helpless and overwhelmed. For this reason, the planners of Women in Crisis concluded that it would be important for well trained, informed volunteers, as part of their job assignment, to assume a role of advocacy on behalf of their clients. They, as vocal representatives of an established organization, could serve as liasons and investigators to gather and interpret necessary information and steer clients towards appropriate, existing services. They could also intervene on issues relating to the prison if the client had a justifiable complaint and received no satisfactory response to it.

Since March of 1977 when the program officially began operation, volunteers have assumed advocacy roles in specific cases. Various types of services that volunteers have provided and the results of their intervention are summarized below:

> An agitated mother called her volunteer because her son had been writing to her and complaining that he was being heavily drugged at the prison. Since the mother was unable to clarify the situation, the volunteer called the institution as a representative of Women in Crisis and established, to the mother's relief, that the inmate was not being medicated.
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> In her conversations with a young family member, one volunteer discovered that, as of mid-October, the woman had not enrolled her children in school. The woman was embarrassed that the youngsters did not have proper clothing to wear to school. The volunteer suggested to the woman that they visit a local clothing bank together. When the woman acquired sufficient clothing for her children, she and the volunteer went to the school and registered the children in classes.
>
> A volunteer whose client was being evicted from her apartment spent countless hours with her as the woman searched for suitable living quarters for herself and her small children.
>
> A volunteer whose client was lonely and isolated in a suburban town arranged for a scholarship to a class at the local Y.W.C.A. for the woman so that she could meet and be with other women during the day.
>
> An offender contacted the agency for help in reestablishing a relationship with his 3½-year-old son who was living with his former wife's parents. The parents had never responded to any of the offender's letters to them. A volunteer wrote a letter to the in-laws informing them of the man's desire to see his son upon his release from prison. When the in-laws responded to the letter, the volunteer was able to reassure them about the man's intentions and his awareness of the difficulties such a visit might cause. The in-laws were appreciative of the support offered by the volunteer and agreed to one initial visit between the child and his father. Subsequent visits ensued.

Additional Services

Although Women in Crisis was established to address the needs of offenders' families during the critical period immediately following the man's sentencing and initial incarceration, the program has begun to develop services at other key points in time when family members are equally in need of vital assistance. Judith Weintraub, in her article, "The Delivery of Services to Families of Offenders,"[*] identifies arrest and arraignment and pre and post release as additionally turbulent and bewildering periods of crisis for families of offenders. The experiences of Women in Crisis over the past 2 years have substantiated her observations.

When loved ones cannot raise bail and must remain incarcerated for varying lengths of time prior to sentencing, families face practical, emotional and financial burdens as a result of the man's abrupt absence from the home. Vital information on court and jail procedures is as confusing and difficult to obtain as it is once the man is sentenced. Family members whose men have served their time and are preparing to reenter community life have adjusted to new roles and taken on new responsibilities during the man's absence. Their expectations may not be consistent with those of the offender whose life in prison has been so vastly different from their daily existence on the street. Common goals and realistic plans must be established between the man and his family so that the offender may experience a smooth transition between prison and community life.

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[*] Weintraub, op. cit.

Women in Crisis volunteers have begun to provide support services to families of felony offenders who remain incarcerated prior to sentencing. These family members (whose loved ones are classified as "transfers") receive the same type of services provided by the agency to families of sentenced offenders. Counselors and other personnel at the correctional facility, private attorneys, public defenders and bondsmen refer "transfer" families in need to the agency on a regular basis.

Within the "Return to Community" component, a family counselor is available to assist an offender and his family in establishing realistic goals and to facilitate effective communication among family members. The family counselor is in the process of determining methods for utilizing trained volunteers within this new project.

Women in Crisis also runs "personal growth classes" and group activities for family members of offenders. These sessions not only provide the opportunity for women to gather socially, but also allow them to discuss common problems and learn new skills which may be valuable to them as they adjust to new lives on their own. Some of the topics which have been addressed in the past include single person parenting, money management and interpersonal communication.

Summary

Existing literature is limited in that it hypothesizes on the various means for meeting needs of offenders' families but does not present concrete programs and methods for dealing with these specific needs. Women in Crisis authenticates a method of providing services which has major advantages. In the first place, it is practical and can be offered with limited financial resources because it utilizes trained women volunteers as primary service providers. In addition, it provides the opportunity for volunteers, as representatives of their communities, to serve in a positive way and contribute to the adjustment process of offenders' families. Not only do these volunteers realize personal rewards and satisfactions, but they also offer an effective, straightforward form of assistance which is viewed as genuine by family members "in crisis." To the extent that families are assisted in dealing with crises, there is every reason to believe that they can be strenghened to become a major source of support in furthering the rehabilitation of the offender as well.

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IT IS HOPED that the legal and social work systems recognize their long overdue commitment to provide comprehensive and systematic services to the families of prisoners.—MARY C. SCHWARTZ AND JUDITH F. WEINTRAUB

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Adolescent Abuse and Neglect: The Role of Runaway Youth Programs

by Ira S. Lourie, Patricia Campiglia, Linda Rich James and Jeanne Dewitt

One morning during an argument, Jane, a 14-year-old in St. Charles, Missouri, was repeatedly hit in the face by her stepmother. When Jane arrived at school, her teacher noticed her bruised and swollen face and sent her to the school nurse, who gave her reassurance but did not take any official action within the school system. Fearful of returning home, Jane resorted to living on the streets and several weeks after the abuse had occurred she was found in a local hotel lobby overdosed on Quaaludes.

Jane was admitted to the hospital, under jurisdiction of the juvenile justice system. Coordinated efforts among the Juvenile Office, the Division of Family Services (DFS) and Youth in Need, a runaway center with a federally funded adolescent maltreatment program, led to a phone call to the Youth in Need program requesting housing for Jane. The worker explained that DFS had become involved with Jane through a referral from the State Child Abuse/Neglect Hotline, and that she would be coming to the agency directly from the hospital.

Jane arrived at Youth in Need (YIN) accompanied by her father. During the intake period, Jane was very upset and depressed. She cried hysterically for about two hours, refused to talk with staff members or other resident youth and at times wandered aimlessly around the facility. She remained withdrawn for three days and declined to talk with staff, explaining that she was afraid of the consequences of revealing any information about her family. With the reassuring support of her counselor, Jane was gradually able to articulate her feelings of rejection.

Several days later, Jane's father reluctantly agreed to talk with a counselor. He expressed his desire to relinquish family ties with Jane since he felt her behavior was jeopardizing his marriage with her stepmother. Although he did not want to participate in family counseling or to have any further contact with Jane, he was finally persuaded by YIN and the Juvenile Office to further discuss Jane's situation. He dismissed the possibility of private placement for Jane, due to the expense, and he refused to provide any information concerning Jane's mother. He did agree to inquire as to the feasibility of Jane's living with other relatives; however, this was the last contact the agency had with Jane's father.

Jane's behavior during her [illegible]-week stay at YIN has changed considerably. Gradually, she began to feel comfortable with the staff and to form relationships with other resident youth. Jane participates daily in individual counseling and in group counseling three times a week, and she has finally become able to talk about the events which brought her to Youth in Need. Since her father refuses to assume any responsibility for her, the Juvenile Judge has issued a court order giving temporary custody to the Division of Family Services. The Juvenile Office, DFS and Youth in Need

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are currently working with Jane to determine an appropriate placement and to prepare her for it.

A few years ago this case might have ended very differently. Jane might never have found her way to a runaway shelter. Her abuse would probably have been overlooked and she would have been treated as an out-of-control child in the juvenile justice system or as a depressed, ill child in a mental hospital.

In 1975, the phenomenon of the abused adolescent was virtually unknown. Although millions of dollars had been spent studying child abuse, and countless more in developing and providing services to abusive and neglectful families, none had been targeted toward children between the ages of 12 and 18. The existence of abuse in this age group was at best underestimated and usually denied by professionals in the field.

When the National Institute of Mental Health began to explore the existence of this abused population through an informal telephone survey, only the runaway houses responded positively. Huckleberry House in Columbus, Ohio, offered initial insight with a story of a client whose parents had demanded that the child leave the runaway house and return home. Later, the boy came again to the house and stated that he ran away because his father was beating him. When the house staff reported this to the police, the child was asked, "What did you do to get your father to hit you?" When the boy rejected this line of questioning and tried to leave, he was restrained and his attempt to free himself resulted in his being arrested for assault.

Since then it has been reported by the American Humane Association that about 30 percent of all official reports of abuse and neglect concern children between the ages of 12 and 18.[2] Further, it has been shown that these children bring with them a collection of family and youth-oriented problems.[3] And it is now evident that there is a population of youth who run away from home because they are abused or neglected.

National Statistics

The Youth Development Bureau, ACYF, which administers the Runaway Youth Act and provides support to runaway youth projects around the country, collects statistical information on why youths seek help from YDB-funded community-based runaway projects. (In addition to runaway youths, the projects serve other young people who are living at home and experiencing crises—pregnancy, school difficulties, problems in their relationships with family and friends.)

Over 20,000 youths were served by these projects during a recent 6-month period. The Youth Development Bureau estimates that as many as eight percent of them sought services because of abuse, and that approximately another six percent did so because they feared that they would be abused.

Two runaway houses, Special Approaches in Juvenile Assistance (SAJA) in Washington, D.C., and Youth Emergency Service (YES) in St. Louis, Missouri, received contracts from the National Institute of Mental Health (NIMH) to perform specialized incidence studies of abuse and neglect among their clients in 1975 and 1976. Prince George's County Hotline, Hyattsville, Maryland, performed a similar study. The results of these data analyses indicate that the incidence of violence toward youth and neglect in the families of runaway youth was much higher than projected. Using different definitions, SAJA and YES found that 30 percent and 28 percent, respectively, of their clients had experienced abuse or neglect. (Prince George's Hotline found that one percent of all their calls concerned abuse.)

More important than the actual numbers, however, was the fact that rarely was abuse seen by the youth as the primary cause for running away — a fact which would indicate that the Youth Development Bureau estimates given earlier are probably lower than the actual incidence of abuse. Only when the two runaway houses began to ask specific questions about punishment patterns and violence in families were they able to learn more about the incidence of abuse. The children, although perceived by staff as being abused, saw themselves as deserving of the "punishment" that they received. After all, as they said, "I have done bad things." Most ran away from family turmoil and conflict rather than from an act of violence itself. Those who said they ran away from violence seem to have used it as a justification for leaving conflicted and tumultuous families.

These studies further explored the role of alternative youth services in dealing with adolescent abuse. SAJA emphasized that abused and neglected adolescents should be treated in the same way as other clients, stressing the development of trusting relationships with young people and the working out of family problems. On the other hand, YES staff members tended to focus on the abuse and they became so involved with relevant abuse and neglect agencies that their usual counseling approaches were less useful.

These early studies led to a belief that some aspects of alternative services, such as the use of runaway houses, were important components in intervention with abusing families of teenagers. As a result, in 1977 NIMH initiated three demonstration projects which combined traditional protective services with alternative youth services.

In September 1978, the National Center for Child Abuse and Neglect (NCCAN) in the Children's Bureau, ACYF, funded several adolescent maltreatment demonstration projects. One of the grantees, the National Network of Runaway and Youth Services, Washington, D.C., chose two of its members —Youth in Need and Diogenes, in Sacramento, California—to conduct the demonstration program for adolescent maltreatment. This effort seeks to demonstrate:

- Whether or not a community-based runaway program can develop effective services to deal with abused/neglected adolescents.
- How a crisis-oriented, community-based program can work with the Division of Family Services, Protective Services Unit, to provide more effective interventions to abused/neglected adolescents.
- How community-based programs in different geographic and economic areas must adapt their programs to meet the needs of the target population.

Both projects will be evaluated to learn whether the services provided are successfully meeting the special needs of the target population.

Youth in Need, where Jane found refuge, is an example of a comprehensive community program. A private, nonprofit, community-based agency, YIN has been dedicated to providing crisis services to adolescents and families since 1974. For the last three years YIN has received funds under the Runaway Youth Act to provide services to runaways and youths in crisis. While dealing with these troubled youth, the agency recognized that many had been abused and neglected and is now attempting to meet their special needs through the

Adolescent Maltreatment Project. Currently, YIN is providing individual, group and family counseling, temporary/emergency shelter and 24-hour hotline services to youths between the ages of 12 and 18 and now is recruiting and interviewing potential foster parents for abused/neglected adolescents.

In addition, YIN has initiated a Community Abuse/Neglect Forum composed of individuals representing the social service systems with which an abused or neglected adolescent could be identified or involved—the local Division of Family Services, hospital emergency room staff, the juvenile court, police, mental health agencies and the district prosecuting attorney's office. Through the Forum, YIN seeks to close the gaps and remove the obstacles that prevent these services from being more helpful to maltreated youth. The Forum is also striving to educate professionals in the area of abuse and neglect and to delineate each person's role in identifying and dealing with adolescent abuse.

As a result of the community networking efforts by Youth in Need, referrals are being made to the Adolescent Maltreatment Project by agencies and individuals involved in the Forum. Special attention has been given to developing close relationships with the Division of Family Services, the protective services workers and juvenile officers, and groundwork has been laid with the local police chief and officers. For example, before the forum was established, there was confusion regarding police officers' roles and responsibilities in taking 20-hour protective custody of a youth who had been abused or neglected. As a result of the networking efforts, this issue has been clarified and the police chief issued a departmental memorandum outlining the current Child Abuse Law and the action that a police officer can take in these cases.

As in many communities, human service workers in St. Charles were not familiar with the special dynamics of adolescent abuse and so they did not often look past a youth's acting out behavior to consider the picture a youth might draw about his or her family. Because of this, many abused adolescents have been mislabeled as incorrigible, runaway, truant or "guilty" of some other status offense. Unfortunately, this often led them into deeper involvement with the correctional system rather than with social services.

Recently, however, adolescent abuse and neglect has become a significant concern of a number of runaway youth projects and other community-based youth agencies, according to a research project conducted by Urban and Rural Systems Associates (URSA), San Francisco. The URSA project was supported by the Youth Development Bureau, ACYF, to identify and develop community-based intervention strategies and treatment approaches for adolescent abuse and neglect.[3]

There are several reasons for this increasing concern. First, many runaway youth programs have become more involved in providing family counseling for their clients, and they are recognizing that such adolescent problems as running away and abuse and neglect are results of intrafamilial dysfunction. For example, the URSA study notes that families in which adolescents are abused and neglected are often multiproblem families. Many clinicians interviewed in the study spoke of the significance of individual psychological and emotional problems of key family members, especially those of the parents and the maltreated youth. Generally, they saw the presence of chronic individual dysfunction — such as immaturity, depression and poor self-esteem (on the part of parents or children)—as the most important variable in differentiating between chronic maltreatment and situational or adolescent-precipitated maltreatment.

Jane's Case: An Update

Since this article was written, Jane's caseworker with the Division of Family Services (DFS) was able to locate Jane's mother, who expressed interest in having Jane join her and her family. Subsequently, Jane and her mother, stepfather and their children met with the DFS worker at Youth in Need for counseling, with the DFS and Youth in Need workers serving as co-therapists. The case was taken to court, and Jane's mother was awarded legal custody.

Several clinicians and researchers also observed that the presence or absence of a social network appeared to play a role in a family's ability to understand and cope with its problems before abuse or neglect occurred. They noted that the development of a social network, long considered an important resource for parents, is equally important for the younger members of a family. A socially isolated youth, they pointed out, may be much more vulnerable to maltreatment because he spends more time at home and is likely to be home alone (without friends), may have no one from whom to seek advice or help in learning survival strategies and, because of his isolation, may become more enmeshed in pathological family dynamics.

In addition to the fact that youth workers have been identifying more cases of sexual abuse and of physical abuse and neglect recently among their clients, many youth workers interviewed during the URSA study indicated that up to 75 percent of runaway youth experience some aspect of emotional abuse or neglect in their homes.

The growing concern about adolescent maltreatment has given impetus to both the Federal and local governments to provide support for program development, professional training and public awareness efforts in the areas of child and adolescent abuse and neglect.

The role of runaway youth programs in treating adolescent victims of abuse and neglect has broadened in the past several years. Traditionally, the social service agencies have not been responsive to such victims. Protective service workers focus primarily on abuse cases involving infants or younger children and reports of adolescent abuse are often dismissed or referred to youth service programs. In addition, adolescents usually do not trust traditional social service systems. Because runaway youth programs are community-based and almost always staffed by younger adults, their environment is more conducive to the development of trust between client and counselor.

Intervention and treatment efforts in the area of adolescent abuse and neglect involve a variety of services. At one time or another, almost every runaway youth program will be involved to some extent in providing the following services: identification; crisis intervention; case planning; diagnosis and treatment; support services; and case management.

URSA's final report presents four basic approaches to addressing adolescent abuse and neglect within the current structure and emphasis of existing youth service programs. Implementation of these approaches would vary according to project resources, program goals and community needs. The four models are:

The Identification and Referral Model. This model would require no change in existing services or program structure. It assumes that each worker has sufficient knowledge to identify adolescent abuse and neglect and can provide crisis counseling to the victim. Each counselor should be able to obtain,

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Adolescent Abuse (Continued from page 29)

directly or indirectly, emergency medical attention and shelter when necessary. Each worker knows when to refer clients to appropriate agencies for services which the youth program cannot provide, and/or to obtain the assistance of a local child protective agency. The counselor serves as an advocate for the youth, at least for purposes of obtaining assistance from community resources.

The Coordinator Model. This model prescribes that at least one caseworker assume responsibility for working with abuse and neglect victims and their families. He or she would be responsible for crisis intervention counseling with the victim and, if possible, the victim's family, and for liaison work with protective services and/or juvenile court and/or other appropriate social service/mental health agencies.

The Component Model. This model represents a specific component within an alternative style, community-based program which would provide services primarily for adolescent victims of abuse or neglect. Services might be limited or broad-based and could include a crisis hotline, emergency shelter, crisis intervention counseling for victims and their families, or a long-term residential facility for adolescent abuse and neglect victims.

The Holistic Model. This model is a multiservice youth program which provides a wide variety of services in an informal, non-threatening environment. The primary focus is on developing a trust relationship with clients by providing non-categorical services which meet the needs of adolescents. Services provided might include recreational programs, counseling, tutoring, advocacy and medical and family planning assistance. This type of program offers young people opportunities to "test" trust relationships with the counselor.

Treating adolescent abuse and neglect within a runaway youth program or other community-based alternative agency will provide abused teenagers with an opportunity to receive necessary counseling services while allowing social service systems to shift the burden of these troubled youths to services that the youths find easier to utilize. This type of programming is also designed to prevent an adolescent from becoming seriously involved with the juvenile justice system, an involvement which could be precipitated by the adolescent's acting out behavior as a result of abusive family situations. Such community-based programs can, in conjunction with traditional protective service agencies, provide treatment in an environment conducive to gaining an adolescent's trust.

The program models presented in URSA's report offer broad outlines which communities can use in developing programs to meet the pressing needs of adolescents who are abused or neglected. ■

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Children in Adult Jails Project

Community Research Forum

University of Illinois at Urbana - Champaign

COMMUNITY RESEARCH FORUM

The Community Research Forum of the University of Illinois is a research and technical assistance organization which plans and promotes improved human services at the community and neighborhood level. The CRF professional staff is drawn from law, architecture, social work, urban and rural planning, public administration, communications, sociology and computer science. Through its affiliation with the University, the CRF utilizes the vast resources of the academic staff and student body, the numerous library collections, and other highly specialized services available at the University of Illinois at Urbana-Champaign.

The CRF staff is available to provide research and planning services to communities in the following areas:

- Comprehensive Planning and Organizational Development
- Survey Design and Data Analysis
- Legislative Analysis and Standards Development
- Program Development and Staff Training
- Architectural and Environmental Design and Renovation Strategies
- Evaluative Research
- Program and Policy Monitoring Techniques
- Public Education and Citizen Involvement

A number of projects are currently underway at the Community Research Forum including the Children in Adult Jails Project and the Deinstitutionalization Verification and Technical Assistance Project. Both of these projects are funded by the Office of Juvenile Justice and Delinquency Prevention and administered by the University of Illinois at Urbana-Champaign.

CHILDREN IN ADULT JAILS PROJECT

Introduction

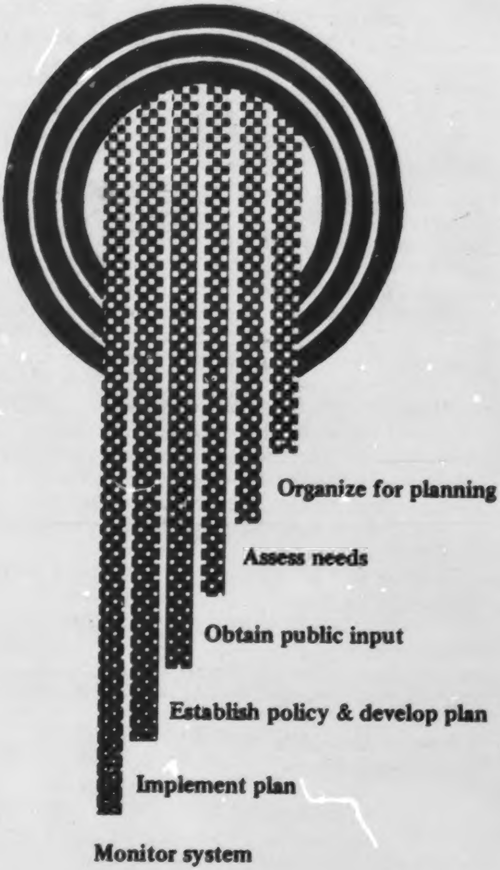
The detention of juveniles in adult jails and lockups has long been a moral issue in this country which has been characterized by sporadic public concern and minimal action toward its resolution. It is suspected that the general lack of public awareness, and the low level of official action, is exacerbated by the absence of meaningful information and the low visibility of juveniles in jails and lockups. This situation is perpetuated by official rhetoric which cloaks the practice of jailing juveniles in a variety of poorly-conceived rationales. In fact, the time honored, but unsubstantiated "rationales" of public safety, protection from themselves or their environments, and lack of alternatives break down under close scrutiny. In reality, the aggressive and unpredictable threat to public safety perceived by the community is often just the opposite. A recent survey of a nine-state area by the Children's Defense Fund indicates that 18 percent of the juveniles in jails have not even been charged with an act which would be a crime if committed by an adult; four percent have committed no offense at all. Of those jailed on criminal-type offenses, a full 85 percent are there on property and minor offenses. This practice generally reflects a larger problem within the juvenile justice system where a lack of reliable information at various points in the system severely hampers rational decision-making, allocation of resources, and accountability to the public.

In response to these and other findings, the Community Research Forum (CRF) of the University of Illinois at Urbana-Champaign has been awarded a 24-month grant by the Office of Juvenile Justice and Delinquency Prevention to conduct research and provide technical assistance to state and local agencies. The focus of these activities concerns the separation of juveniles and adult offenders in detention and correctional facilities and the development of strategies for monitoring the juvenile justice system.

Technical Assistance

The Community Research Forum is currently providing technical assistance to public and private agencies in over 31 states and territories concerning the removal of children from adult jails and lockups. The methodology utilized in these projects focuses on a planning process designed to (1) elicit citizen participation in the planning and implementation of juvenile programs and services, (2) identify the issues and problems experienced within the juvenile justice system, (3) provide a sound data base by which to assess existing juvenile justice practices and resources, (4) provide a sound policy analysis of juvenile justice practices and statutory guidelines, (5) develop a flexible network of alternative programs and services to meet the individual needs of each youth, and (6) assure systematic monitoring of all components of the juvenile justice system.

Technical assistance is typically provided in response to requests from public or private agencies at the local level who, for a variety of reasons, are faced with a crisis situation involving the handling of alleged juvenile offenders. Generally, such assistance is required due to court action, new legislation, and/or citizen pressure regarding court practices and the availability of adequate residential and non-residential alternatives for juvenile offenders. The primary issue posed by local officials is often "to build or not to build", and if so, "how large". Planning experience in this area has served to reinforce the importance of citizen participation, examination of intake criteria and procedures, and the availability of programmatic and other alternatives to meet the particular needs of each youth.


Organize for planning
Assess needs
Obtain public input
Establish policy & develop plan
Implement plan
Monitor system

Planning services have been provided to both rural and urban areas and include statewide efforts in Utah, Michigan, Louisiana, Oklahoma, Colorado, and the Virgin Islands. Local planning assistance includes Lincoln, Nebraska; Lewiston, Idaho; State College, Pennsylvania; Washington, D.C.; Lexington, Kentucky; Abilene, Texas; Thibodaux, Louisiana; and Passaic, New Jersey.

Research

All research projects currently underway at the CRF are directed toward the obstacles which retard the deinstitutionalization of juvenile and non-offenders, particularly those youth held in adult jails and lockups. The research is conducted under the supervision of CRF staff by graduate assistants competitively selected from the University of Illinois at Urbana-Champaign. Graduate schools currently represented include law, education, architecture, political science, public administration, and sociology. To support these research activities and to provide readily available information for inquiries from the field, the CRF maintains a specialized library in conjunction with the other libraries of the UIUC. Selected research studies currently underway include:

- **FEDERAL DEINSTITUTIONALIZATION RESEARCH PROJECT**
  This project will survey federal agencies which operate or contract with secure juvenile residential facilities and examine the policies and procedures which effect the deinstitutionalization and separation requirements of the Juvenile Justice and Delinquency Prevention Act. Primary attention will be directed to the Bureau of Prisons, the Bureau of Indian Affairs, the U.S. Marshall's Services, the Immigration and Naturalization Service, and the National Park Service.

- **JUVENILE SUICIDES IN ADULT JAILS AND LOCKUPS**
  This project will analyze the nationwide incidence of juvenile suicides in county jails, municipal lockups and separate juvenile detention facilities. Telephone and personal interviews will seek to identify predictive indicators of suicidal behavior as well as compare the rates of suicide and suicide attempts in each of the three facility types.

- **COST ANALYSIS OF REMOVING JUVENILES FROM ADULT JAILS AND LOCKUPS**
  This project will examine the economic costs involved in the removal of juveniles from adult jails and lockups. Particular attention will focus on the costs in rural areas where the practice of jailing juveniles is most prevalent and the available resources most limited.

- **PLANNING REGIONAL SERVICES FOR YOUTH**
  This project will examine the advantages and disadvantages or regional services for youth in rural and semi-rural areas. Particular emphasis will be directed to the issues of transportation, access to services, maintenance of family ties, and the service and cost implications for removing juveniles from adult jails and lockups.

- **RURAL OPINION AND ATTITUDES ON DEINSTITUTIONALIZATION**
  This project seeks to examine the level of citizen knowledge and attitudes concerning juveniles in adult jails and lockups. The study will focus on citizens in several rural counties which currently hold

alleged juvenile offenders in adult facilities, and validate or expand upon the "myths" identified by the nine-state study of children in adult jails conducted by the Children's Defense Fund. The findings and conclusions will identify areas needing further research or public exposure.

- **CENSUS OF ADULT JAILS AND LOCKUPS IN THE UNITED STATES**
  This project involves a review of previous state and federal surveys as well as contact with national associations and state planning agencies concerned with adult jails and lockups. An inventory of facilities will be prepared on a state-by-state basis with direct contact with city and county law enforcement agencies used to complete the Census.

- **ASSESSING THE EFFECTIVENESS OF NATIONAL STANDARDS DETENTION CRITERIA**
  This project will survey four jurisdictions to assess the validity of the objective release/ detention criteria recommended by the IJA/ABA Juvenile Justice Standards Project and the National Advisory Committee to the Administrator on Standards for the Administration of Juvenile Justice. The goal of the research is to determine the effectiveness of these criteria in protecting the public safety and the court process and minimizing secure pretrial detention.

- **COMPARATIVE ANALYSIS OF JUVENILE CODES**
  This project will systematically examine each of the state juvenile codes to update the research conducted by the National Assessment of Juvenile Corrections in 1974. Particular areas of focus will be those areas of the code which deal with deinstitutionalization of status offenders, separation of juveniles and adults, and monitoring of the juvenile justice system.

Public Education

A major area of project emphasis concerns the implementation of a public education strategy to enhance community and official awareness of the problem of juveniles in adult jails and lockups. This includes public education materials, media awareness, and workshop training sessions for those persons who manage or influence services for youth awaiting court appearance.

CONFERENCES AND WORKSHOPS

Four regional workshops are conducted annually by the CRF for the Office of Juvenile Justice and Delinquency Prevention to provide guideline and program information to representatives of the State Planning Agencies and Juvenile Advisory Groups. In addition, the CRF will co-sponsor and coordinate a National Symposium of Children in Adult Jails in conjunction with the National Coalition for Jail Reform in 1980.

RESEARCH JOURNAL

The CRF is planning to publish a research journal featuring articles, research studies, legal analysis, and other related writings by leading national authorities on the general topic of deinstitutionalization.

CITIZEN AWARENESS

The CRF provides nationwide media distribution of significant research developments in the area of deinstitutionalization. Also, a public service media campaign is being developed on the subject of juveniles in adult jails and lockups in conjunction with the Advertising Council.

Youth Involvement

In an effort to maximize the participation of young people in the resolution of the problems of juveniles in adult jails and lockups, two student-based projects are conducted each year by the CRF.

NATIONAL STUDENT DESIGN COMPETITION

This competition, which involved the participation of students at 25 colleges and universities focused on site selection techniques, renovation options and construction costs for small, open, community-based shelter care programs for 8 to 12 residents. Award-winning designs featuring program and architectural development were presented and displayed at the 1979 National Youth Workers Alliance Conference.

NATIONAL LEGISLATIVE INTERNSHIP PROGRAM

This program will competitively select law students from across the country to work with state legislative committees in five states. The interns will research the juvenile justice system in each state as it is prescribed by statute, and interview state and local officials to identify discrepancies. A report to the legislative committee will focus on these discrepancies and present options for monitoring the various decision points in the system.

DEINSTITUTIONALIZATION DATA VERIFICATION AND TECHNICAL ASSISTANCE PROJECT

The project will provide an independent examination of the methods used to classify juvenile residential facilities for purposes of compliance with Section 223 a (12)(13) as well as an analysis of the data sources used to support statements of progress toward compliance with these sections of the Act. The examination will include on-site verification of compliance data in county jails, police lockups, and juvenile detention and correctional facilities in over 450 counties in 43 states.

This examination will include:

(1) An analysis of definitions and methods used to develop the "universe" of juvenile residential facilities and to determine their classification as "juvenile detention and correctional facilities" requiring the removal of status and non-offenders or as "adult institutions" requiring sight and sound separation.

(2) An examination of the data sources used in the compilation of information concerning compliance with 223 a (12)(13). The data sources used by the states in the preparation of compliance data are diverse, ranging from the use of intake records at individual facilities to statewide computerized information systems.

(3) An examination of selected state and local facilities to verify the completeness and accuracy of the data sources used for preparing compliance reports. This will include an analysis of the degree of separation (in those "institutions" holding both juveniles and adult offenders).

The principal benefit of this examination will be the identification of problems in monitoring methodology such as misinterpretation of facility classification and compliance data requirements, incomplete or inaccurate compilation of data and unreliable sampling and collection methods. This analysis will serve as the basis for improvements in state methods of monitoring compliance with Section 223 a (12) (13) of the Act.

During the field work phase of the project, information concerning successful programs and strategies for achieving deinstitutionalization of status and non-offenders, separation of juveniles and adult offenders, and the development of adequate systems of monitoring the juvenile justice system will be identified and documented for national distribution. While this effort is not intended to conclusively evaluate these programs and strategies, it will provide descriptive information which will prove helpful in future state and local planning.

The project will entail a detailed analysis of 1.) methods of classifying juvenile residential facilities and 2.) data sources utilized to provide compliance information. For each state and the OJJDP, technical assistance reports will be developed concerning the adequacy of the system for monitoring compliance with the deinstitutionalization requirements of the Juvenile Justice and Delinquency Prevention Act. Specific areas of emphasis will be authority to monitor, data collection, inspection methods, and procedures for reporting and investigating violations.

Following the completion of the fieldwork phase of the project a series of workshops will be conducted on monitoring policy and practices as well as general topics of interest relative to the implementation of the Act.

Publications

REMOVING CHILDREN FROM ADULT JAILS AND LOCKUPS: A GUIDE TO ACTION, 1979

Provides background information on the problems of children in adult jails and lockups and outlines a planning process for development of strategies and alternative programs for removal. The publication also provides general descriptions of planning efforts in rural and urban areas, residential and non-residential alternatives to secure detention, and actions which can be taken by citizens at the state and local level.

MONITORING THE JUVENILE JUSTICE SYSTEM: CASE STUDIES FROM THE NATIONAL LEGISLATIVE INTERNSHIP PROGRAM, 1979

Describes various roles for the state legislature in monitoring the implementation of juvenile justice legislation. Provides case studies from states who participated in the National Legislative Internship Program and includes a compendium of state legislation relative to the deinstitutionalization mandates of the JJDP Act.

MONITORING POLICY AND PRACTICES MANUAL, 1978

Provides legislative materials, legal opinions, and guidelines and regulations relative to the compliance monitoring requirements of the JJDP Act. Also includes information concerning monitoring systems, data collection, inspection methods, and procedures for the reporting and investigation of violations.

NATIONAL STUDENT DESIGN COMPETITION: A SHELTER CARE FACILITY, 1979

Describes the competition process and designs of the three award-winning shelter care entries. Includes information concerning the shelter care environment, location, structure selection, and renovation costs.

COMPARATIVE ANALYSIS OF JUVENILE CODES IN THE UNITED STATES, 1979

Provides an analysis of the juvenile codes in 56 states and territories relative to juvenile court structure and jurisdiction, detention and institutionalization and other areas of concern in the Juvenile Justice and Delinquency Prevention Act. Particular attention focuses on the deinstitutionalization aspects of the various codes.

NATIONAL REGISTRY OF ADULT JAILS AND LOCKUPS, 1979

Provides information available at the state and federal level concerning the location of an estimated 5,000 county jails and 12,000 police lockups, and to the extent available, the registry provides information on the detention of juveniles in these facilities. The scarcity of information in this area is a major conclusion, and this publication is considered preliminary pending more detailed investigation at the local level during 1980.

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JAIL IS THE WRONG PLACE TO BE

For Juveniles, Public Inebriates, the Mentally Ill and Mentally Retarded

NATIONAL
COALITION
FOR
JAIL REFORM

Juveniles*

In all but four states, juveniles can be held in jails for adults. Though most people agree that the jailing of juveniles is harmful, each year over 120,000 juveniles go through jails for adults. Most juveniles end up in jail because communities haven't developed alternatives for kids who are having problems. More often than not, jails aggravate the problems.

Many juveniles in jail are unwanted; they are running from bad situations. For juveniles who are not charged with a crime, a full range of family services should be available.

- Runaway and Crisis Centers
- Outreach Counselors

The Children's Defense Fund found that most juveniles charged with a crime are first offenders, and very few of these are charged with serious offenses.

Most experts agree that even these juveniles should not be in jail. There are many other more humane and effective approaches.

- Specialized Services—juveniles should be offered advocacy, tutoring, counseling and employment referrals.
- Shelter Care Homes—a temporary residence for juveniles, run either privately or with local funds.
- Foster Homes—families within the community take the juveniles into their homes under the supervision of social workers.
- Home Detention—youths reside with their parents while meeting daily with probation office aides.

**A juvenile is defined as a child under 18.*

Public Inebriate

Each year there are more than one million arrests for public drunkenness. The cost of arresting, jailing, and trying these public inebriates is astronomical in both time and money. Alcoholism is a disease, and public inebriates and alcoholics should be treated as patients, not criminals. The Jail Coalition is working to decriminalize the public inebriate and to develop programs and facilities where the public inebriate can be treated and rehabilitated. Here are some of the programs being used by different communities as alternatives to jail:

- Detoxification Centers—these facilities can offer a variety of services including medical care, counseling, living quarters, in addition to out-patient therapy and post acute out-patient therapy.
- Rescue Squads—staffed by volunteers or medical personnel, these squads pick up public inebriates, determine the treatment needed, and transport them to the proper facility.
- Dormitory Shelter Care—a housing facility for homeless people which gives them a bed, food, clean clothing and access to counseling and medical care also.
- Alcohol Treatment Center—for medical, vocational and social assistance following detoxification.
- Community Living Facilities—for patients who have successfully completed other programs, these provide a gradual re-entry into the community.
- Women's Home—a residence specifically for female inebriates that provides a full range of detoxification, counseling, and residential services.
- Aftercare Services—a counseling service for patients who have completed detoxification programs. People are referred to Alcoholics Anonymous, group therapy and family therapy sessions.

Mentally Ill/Mentally Retarded

Estimates of the number of mentally ill and mentally retarded in jail range as high as 600,000. Since few jails have any staff trained to recognize psychiatric problems, the mentally ill and retarded are thrown in with the general jail population where their mental problems are aggravated.

The Jail Coalition is studying a number of alternatives to prevent this from happening.

- Changing Hospital Practices—secure wards are established in local hospitals for the treatment of mentally ill people who have been charged with a crime.

- Emergency Care in the Community—a psychiatrist on 24-hour call, telephone "hot lines, crisis intervention teams, and short-term hospitalization are some of the services being provided.
- Liaison Program—crisis intervention training is given to police officers. A trained worker/student is placed in the police station to help with emergency psychiatric cases.
- Jail Screening Services—trained staff screen people during jail admission and refer the mentally ill and retarded to the appropriate community agencies.
- Law Enforcement Administrators Arrest Policy—prohibits frivolous charges against persons for the sole purpose of detaining them.
- Appropriate Community Alternatives—use of facilities/programs as an alternative to incarceration at the point of police contact.

You Can Help

Finding alternatives to jail for public inebriates, juveniles, the mentally ill and mentally retarded is a big job. But, if given proper treatment, most of these people can return to find a productive role in the community. Each community has a different problem which requires its own solutions. The Jail Coalition can give you a booklet to help you to look at your local jail and put you in touch with alternative programs for the public inebriate, juveniles, the mentally ill and mentally retarded. We can show you how to set up a local coalition.

Visit your jail; look at the people and the conditions. Get together with others in your community and form a local jail coalition. You can change your jail and the people in it. You can make a difference.

For further information, contact:

Judith Johnson
Executive Director
National Coalition for Jail Reform
1730 Rhode Island Avenue, N.W.
Suite 509
Washington, D.C. 20036
(202) 296-8630

WHO WE ARE AND WHAT WE DO

The National Coalition for Jail Reform is made up of 28 national groups that represent interests as diverse as the National Association of Counties, the National Sheriffs' Association, the American Civil Liberties Union, and the American Public Health Association. By pooling the knowledge and experience of its members, this unusual coalition is helping communities find solutions to major jail problems.

These 28 organizations which are involved with jails all agree on the problems of jails. The members of the Coalition all agree that the first step in reforming the jails is to remove people who don't belong there.

JAILS AND THE PEOPLE IN THEM

Jails are different from prisons. While prisons hold people convicted of serious crimes, jails are designed primarily to hold people awaiting trial and those serving short-term sentences. Jails are also used to hold those for whom society has found no other place—even though they have committed no crime.

Many people in jail do not belong there. Public inebriates, juveniles, and the mentally ill and mentally retarded are guilty only of having problems that the community finds unmanageable. There is no hope of cure or rehabilitation for them in jail.

Jails are locally run, usually by county sheriffs. Through our 4,000 jails pass four to five million people each year. It costs $25,000 to $60,000 to build each cell, and $7,000 to $26,000 a year to maintain each person in jail.

Jails provide few services to keep people from returning. Only a third provide alcohol treatment, half have no medical facilities, and three-fourths have no rehabilitation services. Alternatives to jail can be cheaper and more effective.

Coalition Member Organizations

American Civil Liberties Union, National Prison Project
American Correctional Association
American Public Health Association
Benedict Center for Criminal Justice
Committee for Public Justice
Institute for Economic and Policy Studies, Inc.
John Howard Association
National Association of Blacks in Criminal Justice
National Association of Counties
National Association of Criminal Justice Planners
National Center for State Courts
National Clearinghouse for Criminal Justice Planning and Architecture
National Conference of State Criminal Justice Planning Administrators
National Council on Crime and Delinquency
National Institute of Corrections
National Interreligious Task Force on Criminal Justice
National Jail Association, Inc.
National Jail Managers Association
National League of Cities
National Legal Aid and Defender Association
National Moratorium on Prison Construction
National Sheriffs' Association
National Street Law Institute
National Urban League
Offender Aid and Restoration of the United States, Inc.
Pretrial Services Resource Center
Southern Coalition on Jails and Prisons
Unitarian Universalist Service Committee

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Fiscal Agent
  American Arbitration Association

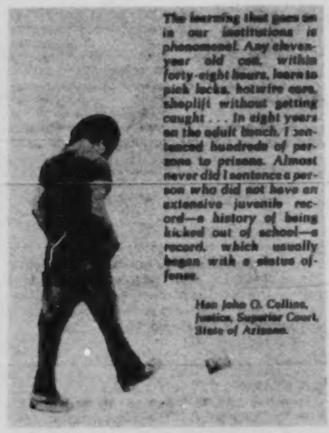
a
different
game

> *"Our mandate was not to let happen what all too often has happened in the past. That is, each organization scrambling for its own piece of the action, going its own way and tooting its own horn; seeing programs spring up unrelated to each other; continuing piecemeal planning that's not integrated, rather than working from a corporate plan that sees the community and its resources in full perspective; and perpetuating the terrible gaps between public and private sectors with each suspicious of the other."*
>
> **Robert Dye, National Collaboration**
> **Chairperson & Executive Director of**
> **YMCA Urban Action & Program Division**

...a different game...an active, effective means of helping young people when they first get into trouble. The name of the game...**collaboration.** And though the stakes are higher than anyone dares estimate, so are the benefits.

THE STAKES

More than 100,000 kids each year are forced to enter the "incubator" of the criminal justice system: Three out of four girls and one out of four boys picked up on their first arrest are charged with "crimes" for which no adult could be arrested. Running away from home or classroom, disobeying the adult responsible for them, are crimes only for those who have the status of minors. Hence, the label, status *offender*. Singled out, haphazardly, from most adolescents who commit exactly the same acts, these young people are detained—awaiting court hearings—too often in the same institutions with convicted or accused juvenile and adult burglars, arsonists, murderers and those guilty of other criminal offenses. The only status conferred is dubious: a good start toward a life of crime.



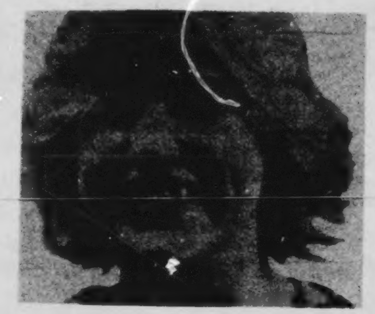
The learning that goes on in our institutions is phenomenal. Any eleven-year old can, within forty-eight hours, learn to pick locks, hotwire cars, shoplift without getting caught . . . In eight years on the adult bench, I sentenced hundreds of persons to prisons. Almost never did I sentence a person who did not have an extensive juvenile record—a history of being kicked out of school—a record, which usually began with a status offense.

Hon John O. Collins,
Justice, Superior Court,
State of Arizona.

THE STIMULUS

After years of prompting by agencies and volunteers who work closely with youth, Congress in 1974 enacted the Juvenile Justice and Delinquency Prevention Act. The first programatic result of this legislation was the commitment to deinstitutionalize the status offender. Community-based services were to be developed as alternatives to detention.

After hearing months of testimony—much of it effectively presented by youth-serving agencies—the lawmakers had been convinced that too many young people were being permanently and needlessly impaired by detention outside of supportive communities. Once labelled, research indicated that they tended to revolve in and out of prison—often ending up as hardened adult criminals. Moreover, the financial as well as the human cost was tremendous. In some regions estimates for institutional placement ran as high as $23,000 per youth per year.



By 1975, major voluntary agencies serving and advocating for the rights of youth decided to create the National Juvenile Justice Program Collaboration to help implement, in the private sector, the forward-looking youth policy that they had helped inspire. As a task force of The National Assembly of National Voluntary Health and Social Welfare Organizations, Inc., they represent 30 million urban and rural young people, 4 million volunteers, thousands of board members and 36,000 professional staff. A $1.4 million grant was awarded to The National Assembly by the Law Enforcement Assistance Administration (LEAA) to increase the capacity of these agencies to include status offenders in their service populations and to establish demonstration collaborations in five of the ten local communities where deinstitutionalization projects for status offenders were already being funded in the public sector (in juvenile courts, probation departments and youth bureaus).

The challenge was a big one. Did we want to take the risks? Did we want to expose ourselves to each other's jealousies? Did we want to have kids coming in to tell us, the experts, what to do? And we decided that we did. And it was a gutsy move.

YWCA Director

THE RECORD OF THE FIRST PHASE

In five very different communities—Spartanburg, Spokane, Tucson, Oakland and northwestern Connecticut, encompassing Danbury, Torrington and Waterbury—collaborative efforts are helping remove the labels and much of the misery of being a status offender. Advocacy programs—community workshops, radio spots, bumper stickers—have identified some of the rights and special problems of young people. Many local and nationally affiliated groups have included the so-called "bad" kids in their programs—often finding that by including them, their agency activities became more popular and relevant. The cost to involve status offenders in these programs takes less than one tenth of what it would cost to keep them in prison.

I ran away...because my father beat me when he found I went out with a certain boy he didn't like. The first night I spent in an old closed down filling station, but by the next morning it was so creepy, I just turned myself in to the police.

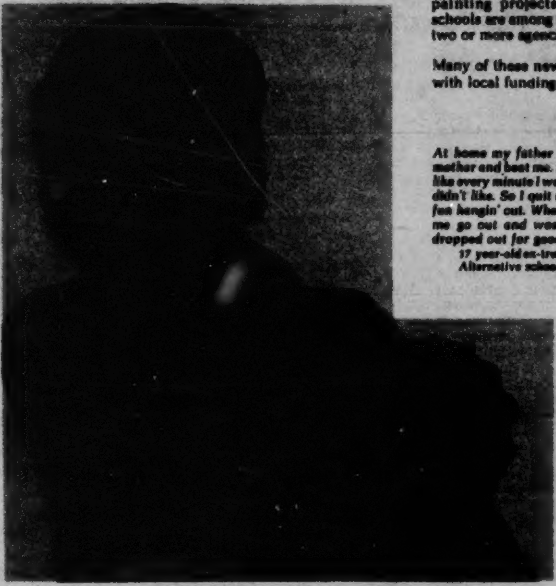
A 16 year-old runaway

Different regions, priorities and personalities varied the form and activities of each collaboration. Collectively, they successfully demonstrated many new models for engaging youth and protecting their rights:

- A parent drop-in center in the same building with a teen drop-in center helps parents and their children, together and individually, recognize their mutual needs and weaknesses.
- A non-traditional occupations training program for girls teaches status offenders carpentry skills, develops confidence and a wider range of job options.
- A jail watch program, staffed by volunteers from several agencies, whose checking twice a day has reduced the number of young people entering jail by 32 percent and cut down by 78 percent the number of total hours they stay, if they are put behind bars.

- An in school suspension program, with a special classroom and understanding teachers, tutors students with behavioral problems. Attitudes and academic work improve dramatically in contrast to what happens when a suspended student drifts around on the streets lagging further behind on his assignments.

- A youth resource fair where forty agencies—staff, volunteers and youth—set up booths in a local hotel, received 500 visitors, including educators, police and the general public, as well as dozens of enrollments for programs and workshops.



- A youth law project where a fulltime attorney represents status offenders in civil court and advocates for their rights in the family, at school and in conflicts with public authorities.

- A family survival kit developed for families who do not need long-term intervention or are unwilling to accept face-to-face community services. Its easy-to-use materials cover a wide range of subjects including coping with stress and conflict, skill development, and child management techniques.

- Workshops on adolescent sexuality, alcoholism, drugs; peer counseling groups; wilderness survival training; mural designing and painting projects; and an ombudsman for schools are among the other direct services that two or more agencies sponsored.

Many of these new programs are continuing with local funding.

At home my father would get drunk and beat my mother and beat me. I had trouble at school—seemed like every minute I was awake I was doing something I didn't like. So I quit school for a while and had some fun hangin' out. When I got back to class, they made me go out and wash the employees' dishes. So I dropped out for good.

17 year-old ex-truant, now successful student YWCA Alternative school, Spokane.

THE LEARNINGS OF THE FIRST PHASE

Collaboration, like all other movements toward real change, has no known blueprint for success. But several principles have emerged from the common experience of many collaboration participants:

- Collaboration cannot exist in the abstract. Concentrating on specific services for status offenders identifies agency over-lapping, neglected populations, mutual concerns and particular rights in need of advocacy.

- Collaboration takes time. Building trust, assessing needs and existing services, sharing leadership, making shared decisions, identifying the real agendas and priorities of each organization—cannot be rushed.

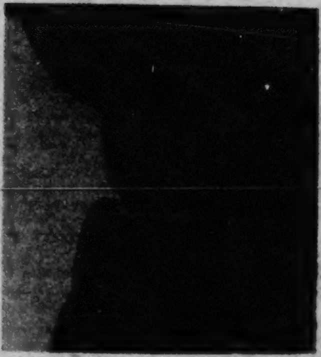
- Collaboration needs neutral turf. If any one agency appears to own the effort, the group's commitment and effectiveness quickly dwindles.

- Collaboration thrives on diversity. The most effective projects often brought together agencies that had never met on common ground to work on a common problem. Advocacy agencies—non-direct service agencies—have demonstrated their effectiveness in helping direct service agencies determine policies, and commit themselves to action.

- Collaboration's greatest resource is the concerned volunteer. Key members of agency boards—often leaders in the community—have a way of breaking deadlocks and breaking new ground.

Deinstitutionalization of status offenders can function as a focus, but not as the basis of continuing collaboration. Long-term issues are the quality of services to youth.... Universal competition is not the key to survival. We are not dealing with our differences here. We are trying to establish a continuity, a community.

Collaboration member, Oakland



MOMENTUM INTO THE SECOND PHASE

Collaborating since 1975 has confirmed that the status offender is not the only category of youth in trouble who can respond to concerned community programs. Another truth borne out by collaborative experience: young people in trouble are, more often than not, members of *families* in trouble. With additional funding, the next steps in fostering collaboration will be to widen the coordination of community services to include all but the most seriously disturbed youth—*and* their families.

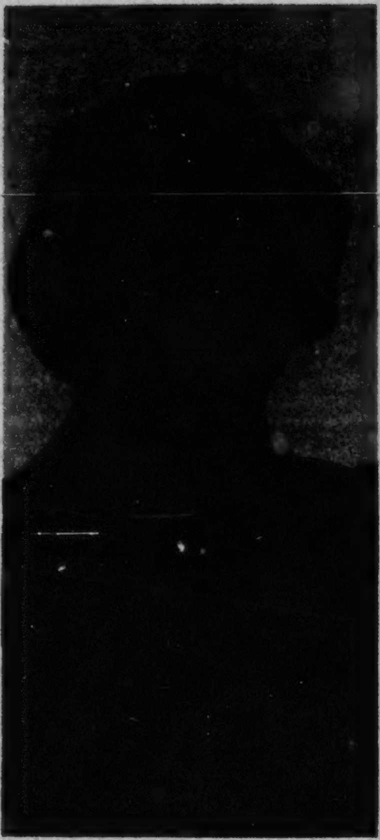
The second phase of the national collaboration effort will be launched in ten other communities and continued in the first five. Special emphasis will be placed on developing local funding sources, public and private, to increase collaborative community services for youth in need. Another major goal at all sites will be to work even more closely with public agencies to provide troubled youth with alternatives to imprisonment.

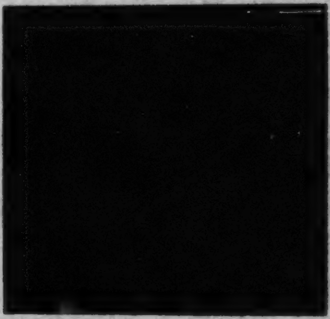
To create the climate where long range planning—real change of the criminal justice system—is possible, the National Juvenile Justice Program collaboration will also continue to form and maintain community and national advocacy programs on behalf of the status offender and other youth at risk.

Changes in climate and inadequate nervous systems doomed the dinosaur. They were large, slow, and could not respond to changing conditions. They were replaced by more quickly moving, more complex organisms which functioned in groups, which served and protected each other and which gave information vital to the security and well-being of the group.

You can remain aloof from each other and be picked off slowly by the changing social environment or you can collaborate to serve the rapidly changing needs of this community. It is in your self-interest to collaborate. It is in your self-interest to work with each other in serving the needs of so-called status offenders. It is in your self-interest to change—and you don't have a lot of time.

Hon John O. Collins, Addressing the Pima County Juvenile Justice Collaboration





AN INVITATION

One of the advantages of the game of collaboration, played for such high stakes, among such diverse groups—by scouts and the Junior League—is that there is a place and a time slot available for anyone who wants to help kids. They need it ... and we need them even more.

National Juvenile Justice Program Collaboration

- *AFL-CIO, Department of Community Services
- American Red Cross
- Association of Junior Leagues
- Boy Scouts of America
- Boys' Clubs of America
- Camp Fire Girls, Inc.
- Girl Scouts of the U.S.A.
- Girls Clubs of America, Inc.
- JWB (Jewish Welfare Board)
- *National Conference on Catholic Charities
- National Council for Homemaker-Home Health Aide Services, Inc.
- National Council of Jewish Women
- *National Council of Negro Women, Inc.
- National Council on Crime and Delinquency
- National Federation of Settlements and Neighborhood Centers
- *National Urban League, Inc.
- The Salvation Army
- Travelers Aid Association of America
- National Board, Y.W.C.A. of the U.S.A.
- National Council, Y.M.C.A. of the U.S.A.
- *United States Catholic Conference

*As of May, 1978

For referrals, resource materials and audio-visual aids, contact:

The National Assembly of National Voluntary
Health and Social Welfare Organizations, Inc.,
345 East 46th Street,
New York, N.Y., 10017

(212) 490-2900

This flyer, and the Project on which it reports was funded under grant [illegible] from the Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, U.S.Department of Justice.

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NATIONAL COUNCIL ON
CRIME AND DELINQUENCY

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Alternatives to Imprisoning or Jailing Young People

MODELS

Traditional correctional institutions for errant youths neither "correct" their clients nor protect the rest of us from harm. Instead, youngsters leave these jails and prisons familiar with brutality and trained in sophisticated types of crime. Very few were locked up for violent acts; many are being punished for behavior that would not have been labeled criminal if performed by an adult.

In 1974, only 10 percent of children in correctional institutions in Texas had committed a crime against a person. The records in other states are similar. Most youths have been found guilty of crimes against property —or have run from home, been truant from school, or deviated from what we consider "normal" childhood in other comparable ways. We are spending thousands, even tens of thousands, of dollars to keep those nonviolent, nondangerous children locked up. While confined they receive no attention to their particular problems in growing up; instead, they become part of an impersonal machine, based upon routine and labeling them criminal.

Most of these children could be served better—more effectively, more fairly, at less cost, and without risk to others—by programs located within their own communities. On the average, it costs between $15,000 and $20,000 per year to house each youngster in a correctional institution. Without leaving their homes, these children could become part of community-based programs that draw upon established community services—make use of the schools, churches, recreational programs, employment programs—in a way oriented toward each youngster's special needs. A program combining family counseling, recreation, and a form of victim restitution, for example, could be provided for less than $8,000-$10,000 per client per year.

A variety of such alternatives to jails and prisons are operating across the country. NCCD's MODELS, which is a list of alternatives to imprisoning or jailing young people, collects and distributes up-to-date information on these programs. MODELS can help people decide which kinds of alternatives they most need and generate new program ideas.

THE LEAST RESTRICTIVE ALTERNATIVE

Programs in MODELS have been categorized on the basis of their restrictiveness. The purpose of this classification system is to encourage planners to develop the least restrictive alternative program for the youths to be served, the program that disrupts their lives as little as possible yet is appropriate. Alternative programs can provide a broad range of services to youths who continue to live in the community and help them to participate in the daily affairs of that community.

Community alternatives mean that troublesome youths are not hidden away where they can be conveniently forgotten. A community with a genuine concern for its young must take the responsibility for ensuring that they are given every opportunity to receive the services they need. Youths should not be locked up unless they have been found guilty of a violent offense and present a clear and immediate danger to themselves or others. And if this is necessary, small treatment settings can offer the individualized attention essential for children to regain the ability to function in society.

TYPES OF PROGRAMS

Following are brief descriptions of types of alternative programs, moving from the least restrictive options to the more drastic alternatives. Programs have been classified according to the categories that describe the services they offer most closely, based on the information provided to MODELS.

Nonresidential Programs

Young "offenders" living in their own homes may benefit from programs established to serve all youngsters in the community, as well as from those specifically developed as alternatives to incarceration. With a wide variety of young people participating, the former would generally be the least restrictive type of program.

1. *Job/Career Programs*. Youths receive help in defining their career interests, vocational training, instruction in how to look for a job, and miscellaneous employment services.

2. *After-School or Evening Programs*. Programs include supervised recreation, special outings, informal counseling, arts and crafts, preparation for the GED exam, or classes in budgeting and other "life skills." They are usually conducted at a community center, church, "Y," or the public school.

3. *Alternative Schools*. Young people attend small, nontraditional schools in their communities. Some schools are designed especially for youths in trouble with the law, while some are open to any child not benefiting from the public school.

4. *Advocacy*. The aim here is to act on behalf of individual children and their families in negotiating with social agencies, identifying and securing needed services, watching the progress of community programs, and pressuring for needed change.

5. *Counseling*. Included are individual, group, and family therapy, usually conducted in weekly sessions. Short-term therapy that focuses on specific problems or tasks is generally preferred to lengthy psychotherapy.

6. *Mediation/Arbitration*. As an alternative to the juvenile court, a panel of community residents negotiates cases involving juveniles. Often, the youth is required to provide some form of restitution to the victim; other common stipulations are regular school attendance and a period of counseling.

7. *Restitution*. Youths repay their victims or the community through financial compensation or assigned tasks.

8. *Intensive Services to Families*. Trained workers provide services to families in their own homes, including crisis intervention, counseling, training in problem-solving skills, homemaking assistance, and financial planning. They often work to help families make use of the appropriate community resources and may adopt an advocacy role.

Residential Programs

Youths are taken out of their homes for special supervision, crisis intervention, and brief treatment. All placements should be as brief as possible, with the goal of returning young people to their families or preparing them to live independently.

1. *Wilderness Programs*. Programs consist of four to eight weeks of group wilderness survival in remote, rugged areas. The best programs are followed up by services to the youngster after he or she returns to the family or other preprogram living situation.

2. *Preparation for Independent Living*. A youth is assisted in acquiring the skills and financial resources needed to be self-

supporting. He or she may live alone, maintaining contact with the supporting agency; share an apartment with another youth under close adult supervision; or live for a period with a family or responsible adult. Funds and additional services may be provided by the sponsoring agency.

3. *Foster Family Care.* Up to three youths live with foster parents and use community schools and resources. The sponsoring agency may provide other services as needed. Foster family care is appropriate for youngsters who must be removed from their homes temporarily because of a family crisis or who need special adult support as they prepare to live on their own.

4. *Intensive Foster Care.* A two-parent family houses no more than two young people, both in need of supervision and individual attention. At least one foster parent is present at all times, and additional staff and clinical support are provided by the sponsoring agency. The youths attend public or alternative schools. Restrictiveness is lessened gradually over the course of the program.

5. *Group Home.* Six to eight young people live with houseparents or rotating staff. The home is not locked, and the youths attend community schools, make extensive use of community resources, may have jobs, and may return home on weekends.

6. *Highly Structured Group Care.* Appropriate only for youths who are dangerous to themselves or others and who are unable to control their behavior, these residences are not locked, have a high staff/client ratio, and use a structured form of treatment. School, recreational activities, and some services are provided within the residence; there is some use, with supervision, of community resources.

7. *Secure.* It may be necessary to turn to secure, locked facilities for youths who have

been convicted of violent offenses and who clearly are a danger to themselves or others. But the alternatives within this category have a high staff/client ratio, not more than fifteen youths per unit, and offer intensive services.

HOW TO USE MODELS

Each program that has provided information to MODELS has been placed in one (or more, if more than one type of service is provided) of the categories above. In addition, each program has been cross-filed geographically by state. Other cross-files are maintained for those programs aimed at special target populations (e.g., female status offenders, specific minority groups). The information compiled includes complete program descriptions, profiles on populations served, staffing and funding, referral sources, and cooperating agencies.

To obtain information on alternative programs, write MODELS, National Council on Crime and Delinquency, 411 Hackensack Avenue, Hackensack, New Jersey 07601, stating the program type and/or the state you are interested in.

Additional information about services available through MODELS may be obtained by writing to MODELS at the above address or phoning Ms. Beth Ader at (201) 488-0400.

96TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
No. 96-946

JUVENILE JUSTICE AMENDMENTS OF 1980

MAY 13, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

together with

SUPPLEMENTAL

and

INDIVIDUAL MINORITY VIEWS

[To accompany H.R. 6704]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 6704) to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to extend the authorization of appropriations for such Act, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

SEC. 2. (a) Section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5671(a)) is amended—

(1) by striking out "$150,000,000" and all that follows through "1979, and"; and

(2) by striking out "for the fiscal year ending September 30, 1980" and inserting in lieu thereof "for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

(b) Section 341(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5751(a)) is amended by striking out "June 30, 1975" and all that follows through "1980" and inserting in lieu thereof the following: "September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984".

FINDINGS

SEC. 3. Section 101(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601(a)) is amended—

(1) in paragraph (4) thereof, by inserting "alcohol and other" after "abuse";

(2) in paragraph (6) thereof, by striking out "and" at the end thereof;

(3) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(4) by adding at the end thereof the following new paragraph:

"(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.".

PURPOSE

SEC. 4. (a) Section 102(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(a)) is amended—

(1) in paragraph (6) thereof, by striking out "and" at the end thereof;

(2) in paragraph (7) thereof, by striking out the period at the end thereof and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) to assist State and local governments in removing juveniles from jails and lockups for adults.".

(b) Section 102(b)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5602(b)(1)) is amended by inserting before the semicolon at the end thereof the following: ", including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes".

DEFINITIONS

SEC. 5. (a) Section 103(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(1)) is amended by inserting "special education," after "training,".

(b) Section 103(4) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(4)) is amended to read as follows:

"(4)(A) the term 'Office of Justice Assistance, Research, and Statistics' means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

"(B) the term 'Law Enforcement Assistance Administration' means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

"(C) the term 'National Institute of Justice' means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

"(D) the term 'Bureau of Justice Statistics' means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;".

(c) Section 103(7) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(7)) is amended by striking out "and any territory or possession of the United States" and inserting in lieu thereof "the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

(d) Section 103(9) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(9)) is amended by striking out "law enforcement" and inserting in lieu thereof "juvenile justice and delinquency prevention".

(e) Section 103(12) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(12)) is amended to read as follows:

"(12) the term 'secure detention facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense;".

(f) Section 103 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603) is amended—

(1) by redesignating paragraph (13) as paragraph (15); and

(2) by inserting after paragraph (12) the following new paragraphs:

"(13) the term 'secure correctional facility' means any public or private residential facility which—

"(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense;

"(14) the term 'serious crime' means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and".

(g) Section 103(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (f)(1), is amended—

(1) by inserting "special education," after "educational,"; and

(2) by striking out "and benefit the addict" and all that follows through ", and his" and inserting in lieu thereof ", including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and".

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 6. (a) Section 201(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(a)) is amended by striking out "Law Enforcement Assistance Administration" and inserting in lieu thereof "under the general authority of the Attorney General".

(b) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended—

(1) in the first sentence thereof, by striking out "direction of" and all that follows through "Administration" and inserting in lieu thereof "general authority of the Attorney General";

(2) in the second sentence thereof, by striking out ", subject to the direction of the Administrator,", and by inserting "prescribe regulations for," before "award";

(3) in the third sentence thereof—

(A) by inserting "of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice" after "Administrator" the first place it appears therein; and

(B) by inserting "of the Office of Juvenile Justice and Delinquency Prevention" after "Administrator" the last place it appears therein; and

(4) by striking out the last sentence thereof.

(c) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Administrator of the Law Enforcement Assistance Administration" and inserting in lieu thereof "Attorney General".

(d) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Administrator" the last place it appears therein and inserting in lieu thereof "Attorney General".

CONCENTRATION OF FEDERAL EFFORTS

SEC. 7. (a) Section 204(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(b)) is amended—

(1) by striking out ", with the assistance of the Associate Administrator,"; and

(2) in paragraph (6) thereof, by inserting "and training assistance" after "technical assistance".

(b) Section 204 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614) is amended by adding at the end thereof the following new subsection:

"(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.".

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 8. (a) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(1) by inserting "the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration," after "Secretary of Labor,"; and

(2) by striking out "the Secretary of Housing and Urban Development," and inserting in lieu thereof "the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,".

(b) Section 206(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(c)) is amended—

(1) by striking out "the Attorney General and";

(2) by inserting ", and to the Congress," after "President"; and

(3) by adding at the end thereof the following new sentence: "The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.".

(c) Section 206(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(d)) is amended by striking out "a minimum of four times per year" and inserting in lieu thereof "at least quarterly".

(d) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "may" and inserting in lieu thereof "shall".

(e) Section 206(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(g)) is amended by inserting ", not to exceed $500,000 for each fiscal year" before the period at the end thereof.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 9. Part A of title II of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611 et seq.) is amended by striking out section 207, section 208, and section 209, and inserting in lieu thereof the following new section:

"NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

"SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the 'Advisory Committee') which shall consist of 15 members appointed by the President.

"(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

"(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

"(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

"(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

"(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

"(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

"(d) The Advisory Committee shall—

"(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

"(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

"(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

"(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

"(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

"(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

"(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade GS-18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

"(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

"(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.".

ALLOCATION

SEC. 10. The first sentence of section 222(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5632(b)) is amended by striking out "in a manner" and all that follows through "part" and inserting in lieu thereof "in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)".

STATE PLANS

SEC. 11. (a)(1) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)) is amended by striking out "consistent with the provisions" and all that follows through "such plan must" and inserting in lieu thereof the following: "applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to

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the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall".

(2) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "twenty-one" and inserting in lieu thereof "15", and by striking out "thirty-three" and inserting in lieu thereof "33".

(3) Section 223(a)(3)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(B)) is amended—

(A) by inserting "locally elected officials," after "include"; and

(B) by inserting "special education," after "education,".

(4) Section 223(a)(3)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(E)) is amended—

(A) by striking out "one-third" and inserting in lieu thereof "one-fifth";

(B) by striking out "twenty-six" and inserting in lieu thereof "24";

(C) by inserting ", and" after "appointment"; and

(D) by striking out "three of whom" and inserting in lieu thereof "3 of whose members".

(5) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) by striking out "(ii) may advise" and all that follows through "requested;" and inserting in lieu thereof "(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13);"; and

(B) by adding at the end thereof the following: "and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system;".

(6) Section 223(a)(3)(F)(iii) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)(iii)) is amended by striking out "and" at the end thereof.

(7) Section 223(a)(8) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(8)) is amended to read as follows:

"(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;".

(8) Section 223(a)(10) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)) is amended—

(A) by striking out "juvenile detention and correctional facilities" and inserting in lieu thereof "confinement in secure detention facilities and secure correctional facilities";

(B) by striking [illegible]d" the fifth place it appears therein;

(C) by inserting [illegible] "standards" the following: ", and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation"; and

(D) by adding at the end thereof the following new subparagraph:

"(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;".

(9) Section 223(a)(10)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(A)) is amended by inserting "education, special education," after "home programs,".

(10) Section 223(a)(10)(E) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(E)) is amended by striking out "keep delinquents and to", and by inserting "delinquent youth and" after "encourage".

(11) Section 223(a)(10)(H) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(H)) is amended to read as follows:

"(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

"(i) remove juveniles from jails and lock-ups for adults;

"(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

"(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

"(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;".

(12) Section 223(a)(10)(I) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(10)(I)) is amended to read as follows:

"(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and".

(13) Section 223(a)(12)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(A)) is amended by striking out "juvenile detention or correctional facilities" and inserting in lieu thereof "secure detention facilities or secure correctional facilities".

(14) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in paragraph (15)(A), is amended—

(A) by striking out "paragraph (12)(A) and paragraph (13)" and inserting in lieu thereof "paragraph (12)(A), paragraph (13), and paragraph (14)"; and

(B) by inserting before the semicolon at the end thereof the following: ", except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively".

(15) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended by the foregoing provisions of this subsection, is further amended—

(A) by redesignating paragraph (14) through paragraph (21) as paragraph (15) through paragraph (22), respectively, and by inserting after paragraph (13) the following new paragraph:

"(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults;"; and

(B) by adding at the end thereof the following new sentence: "Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).".

(b) Section 223(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(c)) is amended—

(1) by striking out ", with the concurrence of the Associate Administrator,";

(2) by inserting after "juveniles" the following: "or through removal of 100 percent of such juveniles from secure correctional facilities"; and

(3) by adding at the end thereof the following new sentence: "Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.".

(c) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended—

(1) by striking out "special emphasis prevention and treatment";

(2) by striking out "section 224" and inserting in lieu thereof "subsection (a)(10)(H)";

(3) by striking out "endeavor to";

(4) by striking out "a preferential" and inserting in lieu thereof "an equitable";

(5) by striking out "to programs in nonparticipating States under section 224(a)(2) and";

(6) by striking out "substantial or"; and

(7) by striking out "subsection (a)(12)(A) requirement" and all that follows through "subsection (c)" and inserting in lieu thereof "requirements under subsection (a)(12)(A) and subsection (a)(13)".

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

SEC. 12. (a) Section 224(a)(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(5)) is amended to read as follows:

"(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

"(A) remove juveniles from jails and lock-ups for adults;

"(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

"(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;".

(b) Section 224(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(11)) is amended by inserting before the period at the end thereof the following: ", including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles".

(c) Section 224 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634) is amended by adding at the end thereof the following new subsection:

"(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.".

PAYMENTS

SEC. 13. (a) Section 228 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5638) is amended by striking out subsection (b) thereof, and by redesignating subsection (c) through subsection (g) as subsection (b) through subsection (f), respectively.

(b) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in subsection (a), is amended—

(1) by inserting "subpart II of" after "applicant under"; and

(2) by striking out "under section 224" and inserting in lieu thereof "in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)".

ADMINISTRATIVE PROVISIONS

SEC. 14. Section 262 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5672) is amended to read as follows:

"APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

"SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

"(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.".

RUNAWAY AND HOMELESS YOUTH

SEC. 15. (a) The heading for title III of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 et seq.) is amended to read as follows:

"TITLE III—RUNAWAY AND HOMELESS YOUTH".

(b) Section 301 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5701 note) is amended by inserting "and Homeless" after "Runaway".

(c) Section 311 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5711) is amended—

(1) by inserting "(a)" after the section designation;

(2) by inserting "equitably among the States based upon their respective populations of youth under 18 years of age" after "shall be made";

(3) by inserting ", and their families," after "homeless youth";

(4) by inserting after "services." the following new sentence: "Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers."; and

(5) by adding at the end thereof the following new subsections:

"(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

"(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.".

(d)(1) Section 312(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(a)) is amended by striking out "house" and inserting in lieu thereof "center", and by inserting "or to other homeless juveniles" before the period at the end thereof.

(2) Section 312(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5712(b)) is amended—

(A) by striking out "house" each place it appears therein and inserting in lieu thereof "center"; and

(B) in paragraph (4) thereof, by inserting "social service personnel, and welfare personnel," after "personnel,".

(e) Section 313 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5713) is amended by striking out "$100,000" and inserting in lieu thereof "$150,000", and by striking out "any applicant whose program budget is smaller than $150,000" and inserting in lieu thereof "organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families".

(f) Section 315 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5715) is amended by striking out "houses" and inserting in lieu thereof "centers".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 16. (a) Section 103(5) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5603(5)) is amended by striking out "section 101(b)" and all that follows through "amended" and inserting in lieu thereof "section 201(c)".

(b)(1) Section 201(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(c)) is amended—

(A) in the first sentence thereof, by striking out "Associate"; and

(B) by striking out the last sentence thereof.

(2) Section 201(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(d)) is amended by striking out "Associate" each place it appears therein.

(3) Section 201(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(e)) is amended by striking out "Associate" each place it appears therein, and by striking out "Office" the last place it appears therein and inserting in lieu thereof "office".

(4) Section 201(f) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5611(f)) is amended by striking out "Associate".

(c)(1) Section 202(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(c)) is amended by striking out "Associate".

(2) Section 202(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5612(d)) is amended by striking out "title I" and inserting in lieu thereof "title 5".

(d)(1) Section 204(d)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(d)(1)) is amended by striking out "Associate".

(2) Section 204(g) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(g)) is amended by striking out "Administration" and inserting in lieu thereof "Office".

(3) Section 204(i) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(i)) is amended by striking out "Associate".

(4) Section 204(k) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(k)) is amended by striking out "the Department of Health, Education, and Welfare" and inserting in lieu thereof "Health and Human Services".

(5) Section 204(l)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5614(l)(1)) is amended by striking out "Associate".

(e) Section 205 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5615) is amended by striking out "Associate" each place it appears therein.

(f)(1) Section 206(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(a)(1)) is amended—

(A) by striking out ", Education, and Welfare" and inserting in lieu thereof "and Human Services";

(B) by striking out "the Commissioner of the Office of Education,";

(C) by inserting "the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration," after "designees,";

(D) by striking out "Associate" each place it appears therein; and

(E) by inserting "the Director of the National Institute of Justice," after "Prevention," the last place it appears therein.

(2) Section 206(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(b)) is amended by striking out "Associate".

(3) Section 206(e) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5616(e)) is amended by striking out "Associate".

(g)(1) Section 223(a)(1) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(1)) is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council"; and

(B) by striking out "section 203 of such title I" and inserting in lieu thereof "section 402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968".

(2) Section 223(a)(2) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(2)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(3) Section 223(a)(3)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(A)) is amended by striking out "a juvenile" and inserting in lieu thereof "juvenile".

(4) Section 223(a)(3)(F) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(3)(F)) is amended—

(A) in clause (i) thereof, by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) in clause (iii) thereof, by striking out "planning agency" and all that follows through "as amended" and inserting in lieu thereof "criminal justice council"; and

(C) in clause (iv) thereof—

(i) by striking out "planning agency and regional planning unit supervisory" and inserting in lieu thereof "criminal justice council and local criminal justice advisory"; and

(ii) by striking out "section 261(b) and section 502(b)" and inserting in lieu thereof "section 1002".

(5) Section 223(a)(11) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(11)) is amended by striking out "provides" and inserting in lieu thereof "provide".

(6) Section 223(a)(12)(B) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)(12)(B)) is amended by striking out "Associate".

(7) Section 223(a)(15) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(8) Section 223(a)(18)(A) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "or" the first place it appears therein and inserting in lieu thereof "of".

(9) Section 223(a)(21) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended—

(A) by striking out "planning agency" and inserting in lieu thereof "criminal justice council";

(B) by striking out "then" and inserting in lieu thereof "than"; and

(C) by striking out "Associate".

(10) Section 223(a)(22) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a)(15)(A), is amended by striking out "Associate".

(11) Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(a)), as amended in section 11(a)(15)(B), is further amended (in the sentence preceding the last sentence thereof) by striking out "303(a)" and inserting in lieu thereof "section 403".

(12) Section 223(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(b)) is amended by striking out "planning agency" and inserting in lieu thereof "criminal justice council".

(13) Section 223(d) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5633(d)) is amended by striking out "sections 509, 510, and 511" and inserting in lieu thereof "sections 803, 804, and 805".

(h) Section 224(a)(6) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5634(a)(6)) is amended by striking out "Commissioner" and inserting in lieu thereof "Secretary".

(i) Section 228(f) of the Juvenile Justice and Delinquency Prevention Act of 1974, as so redesignated in section 11(a), is amended by striking out "section 509" and inserting in lieu thereof "section 803".

(j)(1) Section 241(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(b)) is amended by striking out "Associate" each place it appears therein.

(2) Section 241(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5651(c)) is amended by striking out "National Institute of Law Enforcement and Criminal Justice" and inserting in lieu thereof "National Institute of Justice".

(k) Section 244(3) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5654(3)) is amended by striking out "sections 249, 250, and 251" and inserting in lieu thereof "sections 248, 249, and 250".

(l) Section 245 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5655) is amended by striking out "Associate".

(m) Section 246 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5656) is amended by striking out "Associate" each place it appears therein.

(n) Section 248(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5658(a)) is amended by striking out "Associate" each place it appears therein.

(o) Section 249 of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5660) is amended by striking out "Associate".

(p)(1) Section 250(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(a)) is amended by striking out "Associate" each place it appears therein.

(2) Section 250(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(b)) is amended by striking out "Associate" each place it appears therein.

(3) Section 250(c) of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5661(c)) is amended by striking out "section 5703(b)" and inserting in lieu thereof "section 5703".

I. INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 represents an attempt on the part of Congress to provide leadership and assistance to States, local governments, and private agencies in order to develop and implement effective programs for the prevention and treatment of juvenile delinquency. The Office of Juvenile Justice and Delinquency Prevention (OJJDP), established within the Justice Department, assumes primary responsibility for implementing Federal assistance, as well as the coordination of Federal resources and policy.

The committee bill, H.R. 6704, would extend the Juvenile Justice and Delinquency Prevention Act of 1974 for four years and provide amendments to strengthen efforts to prevent and control juvenile delinquency and improve the juvenile justice system. H.R. 6704 also extends Title III of the Juvenile Justice and Delinquency Prevention Act, the Runaway and Homeless Youth program, located within the Department of Health and Human Services, for four years at currently authorized levels.

Cited as The Juvenile Justice Amendments of 1980, H.R. 6704 makes several significant changes in current law. Completing the reorganization initiated by the Justice System Improvement Act of 1979, H.R. 6704 administratively separates the Office of Juvenile Justice and Delinquency Prevention (OJJDP) from the Law Enforcement Assistance Administration (LEAA), placing it under the coordination of the Office of Justice Assistance, Research, and Statistics (OJARS) and the general authority of the Attorney General. OJJDP would thus become an administrative "fourth box" under OJARS, equal to LEAA, the National Institute of Justice (NIJ), and the Bureau of Justice Statistics (BJS).

H.R. 6704 makes an additional finding that the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes. It expands the purpose of the Act to include assisting State and local governments in removing juveniles from jails and lock-ups for adults and providing a special focus on maintaining and strengthening the family unit.

Changes are made within the Federal program intended both to streamline operation and strengthen Federal coordination and citizen input. Separate budget line item categories are provided and spending caps are placed on the administrative operation of OJJDP, the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention, and the National Advisory Committee on Juvenile Justice and Delinquency Prevention. Membership on the Federal Coordinating Council is expanded to include other relevant agency heads, including those of the newly formed Department of Education, the Community Services Administration, and the Office of Special Education and Rehabilitation Services. The National Advisory Committee is reorganized and streamlined to make it more closely parallel to other Presidential advisory committees, specifically the Federal Council on Aging and the National Advisory Committee on Economic Opportunity.

Several significant changes are made with regard to Federal assistance for State and local programs. Changes are made in State plan requirements to streamline paperwork requirements. Annual plans are replaced by 3-year plans, with annual plan updates to report on performance and plan implementation. New program authority is added by H.R. 6704 to address the needs of juveniles who commit serious crimes and to provide projects designed to work with juvenile gangs, intended both to deter their involvement in illegal activities and to promote activity in lawful activities. Existing authorities are expanded to include education and special education as appropriate community-based treatment alternatives and to provide statewide subsidies or incentives to local governments designed to remove juveniles form adult jails and lock-ups, replicate exemplary programs, establish and adapt standards for the improvement of juvenile justice, and increase the use of nonsecure community-based facilities. Existing program authority relating to delinquency and learning disabilities are expanded to include on-the-job training to assist law enforcement and juvenile justice personnel to more readily recognize and provide for handicapped youngsters.

Beginning five years after the date of enactment of the Juvenile Justive Amendments of 1980, H.R. 6704 requires that State plans provide that no juveniles shall be detained or confined in any jail or lock-up for adults. A provision is also made so that if States are in substantial compliance after five years, an additional two years may be allowed for full compliance.

H.R. 6704 would require for the first time that Federal discretionary assistance be available on an equitable basis to deal with disadvantaged youth, including minority, female, and handicapped youth. This provision parallels existing requirements for State formula grant assistance.

Finally, H.R. 6704 also makes several changes regarding Title III assistance. The name of this title is expanded to read "Runaway and Homeless Youth" in acknowledgement of the fact that many of the young people presently served by the program do not leave home of their own volition. Under new amendments, Title III assistance would be required to be distributed equitably among the States based upon their respective population of youth under 18 years of age. Clarifications are also made so that services provided by shelters would also be available to the families of runaway and homeless youth as well as the youth themselves. New program authorities are added under Title III for the development, in cooperation with juvenile court and social service personnel, of model programs designed to assist chronic runaways and for the development of on-the-job training programs to assist local personnel in recognizing and providing for learning disabled and other handicapped juveniles.

II. Legislative History

Federal concern for juvenile justice extends back to 1912, when Congress created the Children's Bureau and authorized it to investigate and report on juvenile courts, among a number of other youth related issues. As early as 1948, Congress sought to develop a Federal concentration of effort around youth services. In that year, the Interdepartmental Committee on Children and Youth was established with the purpose of developing closer relationships among Federal agencies concerned with children and youth. Two years later, the Midcentury White House Conference on Children and Youth met to consider methods to strengthen juvenile courts, develop juvenile police services, and examine the treatment and prevention capability of social service institutions and after care agencies.

Despite Presidential requests in 1955, and again in 1957, no legislation was enacted to help State and local governments address the problem of delinquency until passage of the Juvenile Delinquency and Youth Offenses Control Act of 1961. The legislation authorized the Department of Health, Education and Welfare (HEW) to make grants to State, local, and private agencies to establish pilot projects demonstrating improved methods for the prevention and control of juvenile delinquency. For the first three years, a total of $30 million was authorized. Only $19.2 million was actually appropriated.

The 1964 extension of the Juvenile Delinquency and Youth Offenses Control Act provided $5 million to HEW to carry out a special demonstration project in Washington, D.C. The act was further extended through June 1967, with an authorization level of $6.5 million for fiscal year 1966, and $10 million for fiscal year 1967, with the stated congressional intention of conducting hearings the following year to review the impact of the legislation. The program expired in 1967.

In 1968, two major pieces of legislation were enacted which concerned delinquency and its prevention. The Juvenile Delinquency Prevention and Control Act of 1968 replaced the Juvenile Delinquency and Youth Offenses Control Act. The 1968 Act was much broader in scope than its predecessor and through it, HEW was expected to help States and localities strengthen their juvenile justice programs, as well as coordinate intergovernmental activities. Also in 1968, as an outgrowth of the President's Commission on Law Enforcement and the Administration of Justice, the Omnibus Crime Control and Safe Streets Act was passed creating the Law Enforcement Assistance Administration (LEAA). Among eligible block grant funding categories for States was one providing for the prevention and control of delinquency. The HEW administered program, during its first three years, was disappointing because of delay and inefficiency. A director of the Youth Development and Delinquency Prevention Administration was not appointed for over 18 months. Less than a third of the $150 million authorized for fiscal years 1968 through 1971 was appropriated. Furthermore, only half of the funds that were appropriated were ever actually expended. Those funds were too often spent on underfunded, unrelated, and scattered projects. Weakness in program administration, the dominance of LEAA, and inadequate funding contributed to a general lack of success.

In 1971, Congress approved a one-year extension of the Juvenile Delinquency Prevention and Control Act. It was understood that any further extension of the program would not be forthcoming unless HEW showed a marked improvement in its efforts to provide national leadership. The 1971 amendments authorized $75 million for fiscal year 1972, and $10 million was appropriated. An interdepartmental council to coordinate Federal delinquency programs was also established.

In 1972, the Juvenile Delinquency Prevention and Control Act was extended for two more years under the name "Juvenile Delinquency Prevention Control Act." An attempt was made to more clearly delineate the respective roles of LEAA and HEW. LEAA was to assist programs inside the juvenile justice system while HEW was to fund preventive programs outside the traditional juvenile justice structure. In extending the program, the Congress again made it clear that the extension was no substitute for vigorous national leadership, coordination, and provision of resources to combat the delinquency problem.

After its creation in 1968, LEAA had considerably more congressional support than the juvenile deliquency programs of HEW. While LEAA's role was more limited to programs within the traditional juvenile justice system, millions of dollars in State and local assistance for juvenile justice improvement programs had been funded. By the end of 1970, over 40 of the LEAA funded State planning agencies, which administered funds under the Safe Streets Act, were also administering HEW supported Juvenile Delinquency Prevention and Control Act programs. In 1971, amendments to the Omnibus Crime Control and Safe Streets Act were enacted which expressed the intent that LEAA should focus greater attention on juvenile delinquency. More emphasis of juvenile delinquency within LEAA, coupled with the failure of HEW to fully implement the Juvenile Delinquency Prevention and Control Act, led to increased LEAA leadership at the Federal level. In short, HEW had the broader mandate, but LEAA had the greater financial resources.

The Crime Control and Safe Streets Amendments of 1973 required LEAA to place more emphasis on delinquency programming. The Act's declaration of purpose specifically recognized the need to prevent juvenile crime through coordinated action at all levels of government. More importantly, the 1973 Amendments required each State planning agency to specifically address juvenile delinquency in its comprehensive plan. Thus, all State comprehensive plans competing for Federal funds were required to include plans for juvenile justice. As a result, it was found that individual States, in addressing their own needs and priorities, were able to direct a substantial amount of LEAA block grant money to projects relating to juvenile delinquency.

In 1974, as the Juvenile Delinquency Prevention Act was about to expire, several bills were proposed to extend or replace it. H.R. 13737 provided assistance to agencies within the juvenile justice system for programs in the area of youth development, and would have addressed the problems of runaway youth. H.R. 6265, on the other hand, was more far-reaching. It provided for both categorical and block grants to States and localities, required submission of a State plan, mandated that 75 percent of the State funds be passed on to localities, and provided administrative provisions to coordinate juvenile delinquency efforts. A third bill, H.R. 9298, was known as the Runaway Youth Act.

On June 12, 1974, this committee ordered a clean bill, H.R. 15276, reported to the House, as amended, by a vote of 28 to 1. The bill passed the House on July 1, 1974, by a vote of 329 to 20. The Juvenile Justice and Delinquency Prevention Act of 1974 was signed by President Ford on September 7, 1974. The act provided for a three-year authorization of $350 million and the creation of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) within LEAA for the purpose of coordinating all Federal juvenile justice programs. Programs funded under Title III of the act, however, were to be administered by HEW.

Other provisions of the act included the creation of a National Advisory Committee for Juvenile Justice and Delinquency Prevention to advise LEAA on juvenile justice matters. A Coordinating Council on Juvenile Justice and Delinquency Prevention, composed of major Federal agency heads, was created to assist in the concentration of Federal effort. A National Institute for Juvenile Justice and Delinquency Prevention was also created to serve as a clearinghouse for delinquency information and to conduct training, research demonstrations, and evaluations relative to juvenile justice programs.

The act further provided for formula grants to State and local governments and grants to public and private agencies to develop programs with special emphasis on the prevention of delinquency, diversion from the juvenile justice system, and community-based alternatives to traditional incarceration. The granting mechanism provided for both block grant and categorical assistance. All of the approved advanced techniques and special emphasis areas were aimed at decreasing juvenile crime, whether through control or prevention, and reducing juvenile recidivism. Similarly, the act provided that status offenders (juveniles committing offenses that would not be offenses if the juveniles were adults), must not be placed in secure detention or secure correctional facilities and that juveniles should not be placed in any institutions where they would be in regular contact with adults convicted of criminal charges or awaiting trial on such charges.

In 1977, the act was reauthorized for three additional years. H.R. 6111 was the primary House bill, incorporating administration amendments, as well as provisions from H.R. 1137, which proposed an additional focus on learning disabled children who become involved in the juvenile justice system. Representing a strong bipartisan effort, on May 5, 1977, H.R. 6111 was reported to the House by this committee by a vote of 34 to 0. On May 19, 1977, H.R. 6111 was considered and passed by the House by a vote of 401 to 5. On October 3, 1977, H.R. 6111, the Juvenile Justice Amendments of 1977, was signed by President Carter.

Although Federal efforts to alleviate the causes of juvenile delinquency and improve the juvenile justice system date back for over half a century, prior to the Juvenile Justice and Delinquency Prevention Act of 1974, the issue was not approached in a comprehensive fashion. Since passage of the act in 1974, the proportion of serious crime committed by juveniles has steadily fallen as has the number of status offenders and nonoffenders housed in secure detention and correctional facilities. It is now time to again consider the act's reauthorization. This legislation deserves the continued support of the Congress.

III. HEARINGS

Hearings on H.R. 6704 were held before the Subcommittee on Human Resources on March 19, 1980. Oversight hearings held by this committee since the act's last reauthorization in 1977 were held on January 24, 1978, March 7, 1978, June 27, 1978, March 20, 1979, and June 4, 1979.

Testifying at the reauthorization hearings on March 19, 1980, were Deputy Attorney General Charles B. Renfrew, representing the Justice Department, accompanied by Ira Schwartz, Administrator of the Office of Juvenile Justice and Delinquency Prevention; Acting Assistant Secretary for Human Development Services Cesar Perales, representing the Department of Health, Education and Welfare, accompanied by John A. Calhoun, III, Commissioner of the Administration on Children, Youth, and Families and Larry Dye, Director of the Youth Development Bureau; and, New Orleans Mayor Ernest N. Morial. Testimony was also received from the National Advisory Committee on Juvenile Justice and Delinquency Prevention, the National Governor's Association, the National Association of Counties, the National Council of Juvenile and Family Court Judges, the Director of the California Youth Authority, the Director of the Division of Public Safety for the State of North Carolina, the National Collaboration for Youth, the Council for Exceptional Children, the Association of Junior Leagues, the National Council of Jewish Women, and program representatives from Madison, Wisconsin, Pierre, South Dakota, Chicago, Illinois, and Davis, California.

The committee also received written submissions from Representatives Thomas Ludlow Ashby, Julian C. Dixon, and Parren J. Mitchell, the National PTA, the National Council on Crime and Delinquency, the Association for Children with Learning Disabilities, the National Association of Social Workers, the National Coalition of Hispanic Mental Health and Human Services Organizations, the Child Welfare League of America, the National Criminal Justice Association, the National Association of Criminal Justice Planners, the Association of state Juvenile Justice Administrators, the National Network of Runaway and Youth Services, Inc., the National Youth Workers Alliance, the National Runaway Switchboard, the Arizona Juvenile Justice and Delinquency Prevention Advisory Council, the Juvenile Justice Advisory Group of Maine, the Massachusetts Juvenile Justice Advisory Committee, the Michigan Advisory Committee on Juvenile Justice, the New Jersey Governor's Advisory Committee on Juvenile Justice and Delinquency Prevention, the New Mexico Juvenile Justice Advisory Committee, the Commonwealth of Virginia Juvenile Justice and Delinquency Prevention Advisory Council, the California Child, Youth and Family Coalition, the Pennsylvania Congress of Parents and Teachers, Inc., Georgetown University, the Albuquerque Association for Children with Learning Disabilities, the Cleveland Association for Children with Learning Disabilities, the YWCA of Greater Pittsburgh, and other interested and concerned citizens.

The committee has fully considered all views presented in recommending the legislation here reported.

IV. LEGISLATION CONSIDERED BY THE COMMITTEE

AUTHORIZATION OF APPROPRIATIONS

H.R. 6704 extends the Juvenile Justice and Delinquency Prevention Act of 1974, including Title III, the Runaway and Homeless Youth program, for four additional years at current authorization of appropriations levels.

FINDINGS

The committee proposes additions to the findings of the act to clarify that alcohol should also be considered as an addicting drug causing increasing problems for juveniles and to express the belief that the juvenile justice system should give additional attention to the problems of juveniles who commit serious crimes.

PURPOSE

H.R. 6704 would expand the existing purposes enumerated for the act in two respects. It specifies as a purpose of the act providing assistance to State and local governments in the removal of juveniles from jails and lock-ups for adults, to conform with newly added State plan requirements and new program authorities. It further expresses a declared policy of Congress that among effective prevention programs encouraged by the act, those with a special focus on maintaining and strengthening the family unit should be included. The committee believes that many juveniles removed from their homes could be better served if resources were focused on strengthening the family so the child could be maintained there as opposed to focusing resources on creating facilities to serve as alternatives to family placement. The committee sees this as more efficient and less costly, as well as potentially more effective.

DEFINITIONS

A number of definitional clarifications are made by the committee bill. These clarifications include defining what services may be appropriately considered as "community-based"; defining new organization entities within the Office of Justice Assistance, Research and Statistics (OJARS) subsequent to reauthorization in 1979 of the Omnibus Crime Control and Safe Streets Act of 1968; clarifying the definition of the term "State" with regard to the territories; and, expanding the definition of what constitutes appropriate "treatment" under the act, to include special education and programs designed to eliminate juvenile dependence on alcohol or other addictive and nonaddictive drugs.

H.R. 6704 redefines and clarifies the term "correctional institution or facility" in order to recognize the difference between detention and correctional facilities and to define the term secure, in conformance with current practice. The new definition is intended to provide more specificity and clarity. It is not intended, particularly with regard to the term "secure", to indicate a desire on the part of the committee for a change in current practice as expressed in existing regulations. The current definition of secure, as defined in current regulations, seems acceptable both to the States and to practitioners. Current practice as provided for by existing regulations, defines a secure facility as one which is designed and operated so as to ensure that all entrances and exits from such facility are under the exclusive control of the staff of such facility, whether or not the person being detained has freedom of movement within the perimeters of the facility, or which relies on locked rooms and buildings, locked fences, or physical restraints in order to control the behavior of its residents.

The committee also provides a new definition. That is for the term "serious crime" which relates to references throughout H.R. 6704 to new program authority for juveniles who commit serious crimes. The definition is the same as those considered as serious (Part I offenses) by the Uniform Crime Reports of the Federal

Bureau of Investigation and all reporting police departments throughout the nation.

Office of Juvenile Justice and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), including the role of its Administrator, was carefully examined during committee oversight. Current law establishes OJJDP within the Law Enforcement Assistance Administration (LEAA) and makes the OJJDP Administrator specifically subject to the direction of the Administrator of LEAA.

In 1979, when the Omnibus Crime Control and Safe Streets Act of 1968 was reauthorized through the Justice System Improvement Act Amendments of 1979, LEAA was reorganized. A coordinative body known as the Office of Jusitice Assistance, Research, and Statistics (OJARS) was created and under it three administrative "boxes" constructed from what has been LEAA. LEAA itself was retained as one box of provide State and local assistance. The National Institute of Law Enforcement and Criminal Justice (NILECJ), which had conducted research within LEAA, was removed from LEAA and made a separate box, known as the National Institute of Justice (NIJ). Statistical operations were removed from LEAA and coupled with other statistical operations carried on elsewhere in the Justice Department and made a third box, the Bureau of Justice Statistics (BJS). H.R. 6704 would establish OJJDP as a "fourth box" under the coordination of OJARS and "under the general authority of the Attorney General", on equal footing with LEAA, the NIJ, and the BJS.

Establishing OJJDP as a separate administrative entity should succeed in making the Office more accountable to Congress and this committee as it implements the act. The Juvenile Justice and Delinquency Prevention Act of 1974 is a free-standing piece of legislation authorizing a Presidentally appointed Administrator to implement the act. Congress should be able to hold the Administrator responsible for implementing the act. Establishing OJJDP as a "fourth box" should also establish it as a separate line item within the Federal budget and increase efficiency by reducing bureaucratic time-delays caused by the duplication involved in dual decision-making. During hearings on H.R. 6704, establishing OJJDP as a separate entity was endorsed by, among others:

The National Advisory Committee on Juvenile Justice and Delinquency Prevention;

Governor's State Juvenile Justice Advisory Groups from New Jersey, Massachusetts, Virginia, Arizona, Michigan, and Maine;

The National Association of Counties;

The U.S. Conference of Mayors;

The National Council of Juvenile and Family Court Judges;

The National Collaboration for Youth (on behalf of the American Red Cross, Boy's Clubs of America, Camp Fire, Inc., Girls Clubs of America, YWCA, YMCA, National Network Services of Runaway Youth and Families, United Neighborhood Centers, and Girl Scouts);

The National Council of Jewish Women;

The Child Welfare League of America;

The Association of State Juvenile Justice Administrators;

The National Youth Workers Alliance;

The National Association of Social Workers;

Region I Coalition of State Advisory Group Chairs (representing Maine, New Hampshire, Vermont, Connecticut, Massachusetts and Rhode Island).

OJARS is intended to provide coordination and support services for OJJDP in the same manner as it does for LEAA, NIJ, and BJS. It is not intended that OJARS exercise any policy control over the activities of OJJDP. The relationship between OJJDP and the Department of Justice is expected to be similar to that enjoyed by LEAA since 1968. It is not anticipated nor intended that the Attorney General be involved in the day-to-day operations of the OJJDP program. OJJDP is established by H.R. 6704 as a separate agency within the Department of Justice, under the coordination of OJARS, but vested with all the operational and administrative authority necessary to enable it to accomplish the purposes of the act. It is expected that, for the purposes of the Organization of the Department of Justice, set forth a Part O of Title 28 of the Code of Federal Regulations, OJJDP will be designated as a principal organizational unit within the Department of Justice.

The phrase, "under the general authority of the Attorney General", is intended to empower the Attorney General to set major policy objectives within which OJJDP would function. The Attorney General may exercise regulatory authority regarding OJJDP pursuant to Title 5 of the United States Code, which specifies that the Department of Justice as an Executive Agency and that the Attorney General, as head of the Justice Department, may prescribe regulations for the governance of the department, the conduct of employees, the distribution and performance of its duties and the like. The Attorney General also has budgetary powers over OJJDP.

Coordinating Council on Juvenile Justice and Delinquency Prevention

The Federal Coordinating Council on Juvenile Justice and Delinquency Prevention was mandated by the 1974 act for the purpose of coordinating all Federal juvenile delinquency programs and policy. While one of the most important and potentially innovative components of the Federal program, its performance through mid-1979 can be described as sporadic. Through much of its life, it has not even succeeded in meeting the required number of times. In 1977, the Juvenile Justice Amendments of 1977 reduced the number of required annual meetings from 6 to 4, hoping that a greater interval of time between meetings might allow for more extensive staff preparation. Yet in 1978, after considerable pressure from committee oversight, the Council met its four meetings requirement only by meeting on three consecutive days near the end of the year—on December 18th, 19th, and 20th.

The committee intends for the Coordinating Council to function and function successfully. The coordination of Federal programs and policy are a prerequisite for Federal leadership. It can provide a means of avoiding duplication while at the same time promoting cooperative Federal efforts to address common problems. H.R. 6704 therefore makes the following changes: (1) it requires that meetings be held "quarterly" rather than "a minimum of four times a year"; (2) it requires that annual reports be submitted to the Congress as well as to the President; and (3) it adds a new function for the

Council to review and make recommendations with respect to any joint funding proposal undertaken by the Office and any agency represented on the Council. H.R. 6704 further requires that the Administrator of OJJDP "shall" rather than "may" appoint staff support. It is the intent of the committee that the Coordinating Council be given its own budget line item with a cap on appropriations not to exceed $500,000 for each fiscal year.

H.R. 6704 expands Council membership to include the following Federal agency heads: the Secretary of Education, the Director of the Community Services Administration, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration of Children, Youth and Families, the Director of the Youth Development Bureau, the Director of OJARS, the Administrator of LEAA, and the Director of the National Institute of Justice.

Nationel Advisory Committee on Juvenile Justice and Delinquency Prevention

The role of the National Advisory Committee (NAC) is to advise OJJDP, the President, and the Congress with respect to matters pertaining to Federal juvenile justice programs and policy. It provides citizen input. While generally successful, there have been problems, as documented during committee oversight in 1978 and 1979.

Failure on the part of the President to appoint new members in a timely fashion to replace those whose terms had expired left the NAC with seven vacant chairs for eight months. This caused difficulties obtaining quorums and subsequent problems in meeting the act's requirement to meet a minimum of four times a year.

Staff support was also a problem—seemingly dependent on the willingness of OJJDP's Administrator to provide such support. Since passage of the 1977 amendments, such staff support as has been provided has been somewhat inconsistent—supplied at times by various personnel assigned from OJJDP on a less than full-time basis and two different private consultant contractors. The result has been inconsistent performance in some areas. A report on standards, required by law for submission to the President and Congress by the end of 1975 has yet to be submitted.

It is the intent of the committee that citizen input be taken seriously. To correct existing problems, H.R. 6704 reorganizes the NAC to bring it more in line with other Presidental advisory committees under the jurisdiction of the committee—namely the Federal Council on Aging and the National Advisory Council on Economic Opportunity. This reorganization calls for streamlining NAC membership from 21 to 15 members, mandating full-time, independent, non-contractual staff support, consolidating NAC duties, and allowing NAC members to serve until their replacements are named, while requiring the President to fill vacancies not later than 90 days after they occur.

Section 207(f) of the committee bill authorized the chairman of NAC, with the approval of the membership, to appoint personnel to provide staff services. It also forbids procurement of any temporary or intermittent contractural services of personnel under section 3109 of Title 5, United States Code. Section 207(h) places a cap on appropriations, not to exceed $500,000 for each fiscal year. It is the intent of the committee that appropriations for NAC be considered as a separate line item in the Federal budget.

Part B—Federal Assistance for State and Local Programs

REALLOCATION OF PART B FUNDS

The committee bill amends section 222(b) to provide that formula grant funds unobligated at the end of the fiscal year shall be reallocated in an equitable manner among States which have demonstrated compliance with the deinstitutionalization and separation requirements of the act. "Equitable", with regard to the reallocation of unobligated formula grant and special emphasis funds, is intended to mean on the basis of a compliant State's relative population of people under age eighteen as compared to that of other compliant States.

Similarly, section 223(d) is amended to provide that where formula funds are to be reallocated during a fiscal year, whether voluntarily or because of a State's failure to submit a plan meeting the section 223 requirements, such funds are also to be reallocated among compliant States. Funds reallocated under section 222(b) would be added to the allocation of funds for the following fiscal year and those reallocated under section 223(d) would be allocated as a supplement to qualifying States' current fiscal year awards. In either case, these awards would be for programs consistent with the purpose of section 223(a)(10)(14) of the act.

Any unused Part B special emphasis (discretionary) funds reverting to OJJDP are to be available for reallocation as special emphasis awards to compliant States on an equitable basis consistent with the amendments made by H.R. 6704 in section 228(f) of the act as reported out of committee. These additional allocations would be for the purpose of section 224(a)(5) of the act.

STATE PLANS

H.R. 6704 makes several changes in State plan requirements in order to reduce paperwork and bring juvenile justice and delinquency prevention plan requirements into conformance with State planning agency criminal justice plan requirements subsequent to the 1979 reauthorization of the Omnibus Crime Control and Safe Streets Act of 1968. These include provision of three-year, rather than annual, plan submission requirements and a revision in plan format made to section 223(a)(8). H.R. 6704, for the first time, requires that participating States provide for a State concentration effort to parallel the Federal concentration of effort provided for in the act.

STATE ADVISORY GROUPS

In an effort to further strengthen State advisory groups, H.R. 6704 makes several minor changes. In accord with the reorganization of the National Advisory Committee, the committee bill provides that membership should consist of not less than 15 rather than not less than 21 members. The committee bill requires that locally elected officials be included in advisory group membership and specifies that public agencies concerned with special education ought to be among those considered for representation.

H.R. 6704 reduces the mandatory percentage of advisory group members who are to be considered "youth" representatives from one-third to one-fifth but correspondingly lowers the maximum age for inclusion in this category from 26 years of age to 24 years of age. This should give Governors more flexibility in the selection of group members while at the same time providing for a more true reflection of youth needs. It should be emphasized that the requirement specifies "at least" one-fifth. The committee believes a higher percentage can be advantageous but would leave that determination to individual States.

The committee bill requires that three of the members of the advisory group shall have been or shall be under the jurisdiction of the juvenile justice system. The previous requirement had been that these three members had to be from among the youth members. H.R. 6704 broadens this requirement to include full membership but adds the additional mandate that State advisory groups contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system. The committee firmly believes that advisory groups should have a first-hand awareness of state correctional facilities and justice systems and that at least part of that awareness should come from young people who are involved at the time. The committee is concerned that some advisory groups might consider their duty to gain such awareness completed when a few youth members with such experience are appointed to advisory group membership. The committee intends that advisory group members be actively involved in acquiring continuing perspectives from "consumers" within the juvenile justice system.

H.R. 6704 also makes it a requirement that advisory groups make at least annual recommendations to the Governor and the legislature. Previously, advice could be provided only on request.

ADVANCED TECHNIQUES

Current law provides that not less than 75 percent of formula grants funds allocated to a particular State must be used for "advanced technique" programs. These programs include programs to develop, maintain, and expand juvenile delinquency prevention services, to direct juveniles from the juvenile justice system, and to provide community-based alternatives to confinment in secure detention facilities and secure correctional facilities. H.R. 6704 adds, as an additional authority, the provision of programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation.

In addition, the committee bill expands the list of specific advanced techniques mentioned in the bill. It broadens and clarifies the advanced technique program category calling for the use of local government subsidies or financial incentives by specifying that such subsidies shall be designed to either: (1) remove juveniles from jails and lock-ups for adults; (2) replicate juvenile programs designated as exemplary by the National Institute of Justice; (3) establish and adopt standards for the improvement of juvenile justice; or (4) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention.

H.R. 6704 expands eligibility of programs designed to implement projects relating to juvenile delinquency and learning disabilities to include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped youth.

The committee bill also identifies projects designed to work with juvenile gangs as an eligible advanced technique program area.

REMOVAL OF JUVENILES FROM JAILS AND LOCK-UPS FOR ADULTS

The committee bill would add a new section 223(a)(14) to current law to require the removal of juveniles from jails and lock-ups for adults. States participating in the formula grant program would have five years from the enactment of the Juvenile Justice Amendments of 1980 to achieve compliance with this new provision. States that are in substantial compliance with the requirement after five years, through the achievement of at least 75 percent removal of juveniles from jails and lock-ups for adults, may be given up to two additional years to achieve full compliance if the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable period of time not to exceed two years.

This new paragraph complements the existing deinstitutionalization and separation provisions of the act. Section 223(a)(12) requires that participating States remove all juveniles who have committed offenses that would not be criminal if committed by an adult (status offenders) and nonoffenders such as dependent or neglected children, from secure juvenile detention or secure correctional facilities. Most States are in the process of completing this effort. Section 223(a)(13) of the act requires participating States to provide that juveniles who are alleged to be or found to be delinquent, as well as juveniles within the scope of section 223(a)(12), shall not be detained or confined in any institution in which they are in regular contact with adults incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges.

The committee believes, based on evidence presented during hearings on H.R. 6704, that the time has come to go farther. Statistics from recent surveys covering nine states indicated that 18 percent of the juveniles jailed in adult facilities had not committed a criminal offense. It was reported that 4 percent had committed no offense at all. Furthermore, it was reported that of those juveniles in jail for criminal offenses, 88 percent were there on property and minor charges. Witnesses during the hearings pointed to potential physical and sexual abuse encountered by juveniles incarcerated in adult jails. It was pointed out that during 1978, the suicide rate for juveniles incarcerated in adult jails was approximately seven times the rate of children held in secure juvenile detention facilities. One Department of Justice official termed this a "national catastrophe."

Statistics on inappropriate placements, the evidence of harm, the growing body of constitutional law, and the expressed belief that properly planned and implemented removal of juveniles from all adult jails and lock-ups is economically feasible, promoted the committee amendment. Among those on record supporting the removal of juveniles from adult jails and lock-ups were the Justice Department; the National Coalition for Jail Reform; the American Correctional Association; the National Council of Juvenile and Family Court Judges; the National Sheriff's Association; the National Association of Counties; the National League of Cities; the National Association of Blacks in Criminal Justice; the Association of Junior Leagues; the National Council on Crime and Delinquency; the Child Welfare League of America; and the American Civil Liberties Union.

The new provision does not require the release of any juvenile delinquent offenders from secure detention or secure correctional facilities. Juveniles alleged to have committed delinquent offenses can still be detained in secure facilities—but not in adult jails and lock-ups.

The committee intends the new provision to extend to all juveniles who may be subject to the exercise of juvenile court jurisdiction for purposes of adjudication and treatment based on age and offense limitations established by State law. If a juvenile is formally waived or transferred to criminal court by a juvenile court and criminal charges have been filed or a criminal court with original or concurrent jurisdiction over a juvenile has formally asserted its jurisdiction through the filing of criminal charges against a juvenile, the section 223(a)(14) prohibition no longer attaches.

The committee recognizes that flexibility may be required in the case of juveniles who are waived or otherwise come under criminal court jurisdiction. Appropriate alternative secure placements for serious and violent juvenile criminal offenders waived or bound over to adult court are often not available. For these juveniles, a judicial or legislative determination has been made that they are not to be processed in the juvenile justice system. However, the new provision is not intended to encourage increased waivers of juveniles to criminal court, a decrease in the age of original or concurrent criminal court jurisdiction, or a lowering of the age of juvenile court jurisdictions for specific categories or classes of offenses committed by juveniles.

The new provision requires removal of juveniles from adult jails and lock-ups. For the purposes of this provision, a jail for adults is defined as a locked facility, administered by State, county, or local law enforcement and correctional agencies, the purpose of which is to detain adults charged with violating criminal law, pending trail. Also considered as adult jails are those facilities used to hold convicted adult criminal offenders sentenced for less than one year. The new provision is intended to require the removal of juveniles from such facilities. A lock-up for adults is similar to a jail for adults except that it is generally a municipal or police facility of a temporary nature which does not hold persons after they have been formally charged.

Facilities which are not authorized to or do not in practice hold adults convicted of a crime or awaiting trail on criminal charges are not considered adult jails or lock-ups. Also, institutions and facilities that are used exclusively for the post-conviction or post-adjudication detention or confinement of offenders who have been convicted of crimes or adjudicated delinquent are not adult jails or lock-ups. Juveniles adjudicated delinquent, if confined in an institution that incarcerates adult criminal offenders, would continue to have to be separated from regular contact with adults in order for the State to be in compliance with the section 223(a)(13) separation requirement.

The committee expects a "rule of reason" to be followed in the implementation of section 223(a)(14). For example, it would be permissible for OJJDP to permit temporary holding in an adult jail or lock-up by police of juveniles arrested for committing an act which would be a crime if committed by an adult for purposes of identification, processing, and transfer to juvenile court officials or juvenile shelter or detention facilities. Any such holding of juveniles should be limited to the absolute minimum time necessary to complete this action, not to exceed six hours, but in no case overnight. Section 223(a)(13) would prohibit such juveniles who are delinquent offenders from having regular contact with adult offenders during this brief holding period.

MONITORING REQUIREMENTS

Current law requires that participating States provide for an adequate system of monitoring jails, detention facilities, correctional facilities and non-secure facilities to insure that the deinstitutionalization and separation requirements are being met and provide for annual reporting of results. H.R. 6704 provides that monitoring reports shall also include progress regarding the new requirement of removing juveniles from jails and lock-ups for adults.

It also provides that annual monitoring report requirements shall not apply to States which are fully in compliance with the deinstitutionalization, separation, and removal-from-adult-jail requirements and which have enacted State legislation which conforms to those requirements and which, in the opinion of the Administrator, contain sufficient enforcement mechanisms to insure that the legislation will be administered effectively. The intent of the committee is to reduce paperwork, to provide an additional incentive for full compliance, and to encourage States to pass State legislation which conforms to the requirements of the act.

SUBSTANTIAL COMPLIANCE

Current law provides, in section 223(c), for termination of a State's eligibility to participate if there is a failure to comply with the deinstitutionalization requirement but also provides for up to two years additional participation, if substantial compliance with the requirement has been reached. H.R. 6704 extends the substantial compliance provision to the removal-of-juveniles-from-adult-jails requirement and, with regard to the deinstitutionalization mandate, provides an additional criteria for what substantial compliance might look like. Current law recognizes no differences between status offenders held in secure detention and those placed for long periods of time in secure correctional facilities. It provides that if a State has deinstitutionalized not less than 75 percent of such juveniles and has an unequivocal commitment to achieve full compliance within a reasonable time, eligibility can continue. H.R.

6704 modifies that definition only to the extent that eligibility could also be continued if a State had totally removed status offenders and other nonoffenders from correction facilities within the three year period, as opposed to a 75 percent reduction of both detention and correctional placements. The maximum time allowed for full compliance would remain the same—five years.

The committee is concerned about children who have committed no criminal offense being locked away in secure correctional placements for long periods of time. Secure detention, while still harmful to status offenders and nonoffenders, is of shorter duration. The committee believes that States who have totally ended the practice of placing status offenders and nonoffenders in secure correctional placements within the allowable three year time period should also be judged to have made a good faith effort.

SPECIAL EMPHASIS PROGRAMS

H.R. 6704 makes only slight modifications to the programs identified by the act as special emphasis areas. It adds a statewide subsidy program similar to that provided for among formula grant advanced techniques and expands program authority for projects relating to juvenile delinquency and learning disabilities to include on-the-job training for law enforcement and juvenile justice personnel, also similar to that provided for among formula grant advanced techniques.

The committee bill does make a noteworthy addition to this section, however, by requiring that the Administrator of OJJDP makes this assistance available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth. Similar requirements are placed on the States by existing law and it is only reasonable the Federal discretionary funds be available under the same requirement.

There have been rather serious allegations brought to the attention of the committee that assistance has been available, in the past, on an inequitable basis, particularly with regard to minority youth. The committee strongly encourages the Administrator of OJJDP to formally investigate these allegations and report the findings. Should such inequity exist, as alleged, it is the intent of the committee that it be corrected.

Part C—National Institute for Juvenile Justice and Delinquency Prevention

The committee bill makes no change in the structure or function of the National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP). It is the belief of the commitee that research conducted by NIJJDP should be closely coordinated with that of the National Institute of Justice in order to avoid duplication. It is further the intent of the committee that appropriations for NAC be considered as a separate line item in the Federal budget.

RUNAWAY AND HOMELESS YOUTH

H.R. 6704 broadens the name and scope of Title III programs to Runaway and Homeless Youth, in recognition of the fact that many youth presently being served by Title III projects do not leave home of their own accord, but may, in many instances, be pushed out or be running from physical or sexual abuse.

The committee bill requires for the first time that Title III grants be made equitably among the States based upon their respective population of youth under 18 years of age. This conforms grant allocation under Title III to the same criteria for distributing assistance utilized in Title II of the act. It is done also in recognition of evidence presented to the committee during oversight that more children running away today are running within their own communities or being pushed out rather than running across country. This being the case, assistance is needed in communities across the country and funds should be allocated in such a way as to reflect that fact.

Two additional program authorities are given the Secretary of Health and Human Services. One is to provide supplemental grants to centers which develop, with the cooperation of juvenile court and social services personnel, model programs addressing the needs of chronic runaways—those who run from home or placements repeatedly. The second is to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist them in recognizing and providing for learning disabled and other handicapped juveniles.

V. CONCLUSION

The committee believes that H.R. 6704 will strengthen and revitalize programs established by the Juvenile Justice and Delinquency Prevention Act of 1974. The committee bill reflects recommendations included in H.R. 6704, as originally introduced, H.R. 6983, the Administration's bill, and the comments of many interested public and private representatives.

The Federal government does have a valuable role to play in supplying resources needed to combat delinquency and leadership required to assure coordination and cooperation at all levels. The problems associated with juvenile criminality and delinquency will not be easily cured. Many factors are involved which have only begun to be addressed. Funding is certainly an important component in the implementation of a national strategy to deal with delinquency. But more than money is needed. There must be a commitment by all involved to resolve the legal and social problems which lead children into trouble. Alternatives to traditional policies must be developed and innovation must be encouraged. Many States, localities, and private organizations are already redirecting and increasing their efforts in this area. The committee believes that H.R. 6704 can further emphasize the commitment that is needed. Passage of the bill will provide important focus for this program and permit its full potential to be realized.

VI. COMMITTEE APPROVAL

In compliance with clause 2(c)(1)(2)(b) of rule XI of the Rules of the House of Representatives, the committee states that on April 22, 1980, a quorum being present, the committee favorably reported H.R. 6704, as amended by a roll call vote of 32 to 0.

VII. OVERSIGHT STATEMENT

In compliance with clause 2(1)(3)(A) of rule XI of the Rules of the House of Representatives, this report embodies the findings and recommendations of the Subcommittee on Human Resources, established pursuant to clause 2(B)(1) of Rule X of the Rules of the House of Representatives and rule 18(a) of the Rules of the Committee on Education and Labor. Pursuant to its responsibilities, the committee has determined that legislation should be enacted as set forth in H.R. 6704, as amended.

VIII. INFLATIONARY IMPACT STATEMENT

In compliance with clause 2(1)(4) of rule XI of the Rules of the House of Representatives, the committee states that the enactment into law of H.R. 6704 will have no inflationary impact on prices and costs in the operation of the economy. H.R. 6704 maintains the current level for authorization of appropriations for an additional four years. This amounts to a total authorization level for Titles II and III programs of $225 million, which represents less than four hundredths of one percent of the $691.3 billion budget authority proposed in the Administration's revised budget for fiscal year 1981. The $130 million is estimated budget outlays projected by the Congressional Budget Office for the Juvenile Justice Act programs in fiscal year 1981 represents about two hundredths of one percent of the $611.5 billion in total outlays under the Administration's proposed budget for fiscal year 1981.

IX. OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE ON GOVERNMENT OPERATIONS

In compliance with clause 2(1)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee states that no findings or recommendation of the Committee on Government Operations were submitted to the Committee.

X. COST OF THIS LEGISLATION

A. ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

In compliance with clause 2(1)(3)(C) of rule XI of the Rules of the House of Representatives, the estimate and comparison prepared by the Director of the Congressional Office pursuant to section 403 of the Congressional Budget Act of 1974, as timely submitted prior to the filing of this report, is set forth below.

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C. May 6, 1980.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6704, the Juvenile Justice Amendments of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

JAMES BLUM,
(for Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE—MAY 6, 1980

1. Bill number: H.R. 6704.

2. Bill title: Juvenile Justice Amendments of 1980.

3. Bill status: As ordered reported by the House Committee on Education and Labor, April 22, 1980.

4. Bill purpose: The purpose of this legislation is to authorize the appropriation of funds for juvenile justice and delinquency prevention and runaway and homeless youth programs. Specifically, the bill authorizes $200 million for each of the fiscal years 1981 through 1984 for juvenile justice programs, and $25 million each year for the same period for youth programs. The bill also limits the authorizations for the Coordinating Council and the National Advisory Committee for juvenile justice and delinquency prevention to $500,000 per year. This amount is contained in the $200 million authorization for the juvenile justice programs.

5. Cost estimate:

[By fiscal years, in millions of dollars]

Authorization level:	
1981	225
1982	225
1983	225
1984	225
1985	
Estimated outlays:	
1981	130
1982	225
1983	225
1984	225
1985	95

The costs of this bill fall primarily within budget function 750.

6. Basis of estimate: For the purpose of this estimate, it has been assumed that the full amounts authorized for each fiscal year will be appropriated. Estimated outlays are based on information obtained from the Justice Department and on historical spending patterns which indicate that approximately 60 percent of each year's funds for the juvenile justice programs are spent in the first year, and 40 percent in the second year. The runaway and homeless

youth programs are estimated to spend 50 percent of their funds in the first year, and the remaining 50 percent in the second year.

7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Kathy Weiss.
10. Estimate approved by: C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

B. COMMITTEE ESTIMATE

In compliance with clause 7(a)(1) of rule XIII of the Rules of the House of Representatives, the committee adopts the estimate prepared by the Director of the Congressional Budget Office.

XI. SECTION-BY-SECTION EXPLANATION

SHORT TITLE

Section 1 of the bill provides that this legislation may be cited as the "Juvenile Justice Amendments of 1980".

AUTHORIZATION OF APPROPRIATIONS

Section 2(a) amends section 241(a) of the act as redesignated to provide for a 4-year reauthorization at current authorized levels of funding for Title II programs.

Section 2(b) amends section 341(a) of the act to provide a 4-year reauthorization at currently authorized levels of funding for Title III programs.

FINDINGS

Section 3 amends Section 101(a) of the act to clarify that alcohol is also found to be a drug which contributes to delinquency, by making a technical amendment preparatory to the addition of a new paragraph, and by adding a new paragraph, (8), finding that "the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation."

PURPOSE

Section 4(a) amends section 102(a) of the act to provide that an additional purpose of the act is to assist State and local governments in removing juveniles from jails and lockups for adults.

Section 4(b) amends section 102(b)(1) of the act to clarify that it is the purpose of Congress, in providing necessary resources, leadership, and coordination for developing and implementing methods of preventing and reducing delinquency, to include methods with a special focus on maintaining and strengthening the family unit.

DEFINITIONS

Section 5(a) amends section 103(1) of the act to clarify that special education is an appropriate rehabilitative service which may be carried out in a "community based" facility.

Section 5(b) amends section 103(4) of the act to specify that the "Office of Justice Assistance, Research and Statistics," the "Law Enforcement Assistance Administration," the "National Institute of Justice," and the "Bureau of Justice Statistics" are those agencies established respectively by sections 801(a), 101, 202(a), and 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968.

Section 5(c) amends section 103(7) of the act to specify which territories or possessions are to be treated as "States" for the purpose of the act.

Section 5(d) amends section 103(9) to clarify that juvenile justice and delinquency prevention plans rather than law enforcement plans are those qualifying groupings of States and units of local governments as a "combination" for the purposes of the act.

Section 5(e) amends section 103(12) of the act to strike the definition of "correctional institution or facility" and to replace it with a more specific definition of "secure detention facility" describing such facility as any public or private residential facility which is designed to be physically restrictive for those held in lawful custody and used for temporary placement of juveniles or other individuals, accused of criminal offenses.

Section 5(f) amends section 103 of the act to make a technical amendment and inserting 2 new paragraphs to define the terms "secure correctional facility" and "serious crime". The term "secure correctional facility" is defined to include any public or private residential placement which is designed to be physically restrictive for those held in lawful custody and used for placement after adjudication and disposition. The term "serious crime" is defined to include criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony.

Section 5(g) amends section 103(15) of the act to clarify that special education is an appropriate form of treatment for the purposes of the act and to clarify that alcohol should be considered addicting for the purposes of the act and that treatment is also appropriate to eliminate or control dependence on nonaddictive as well as addictive drugs.

OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 6(a) amends section 201(a) of the act to place the Office under the general authority of the Attorney General rather than within the Law Enforcement Assistance Administration.

Section 6(b) amends section 201(d) to provide that the administrator exercises all necessary powers under the general authority of the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration; to clarify that the Administrator of the Office of Juvenile Justice and Delinquency Prevention is authorized to prescribe regulations for all grants and contracts available under part B and part C of title II; and to provide that the Administrator of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice may delegate authority to the Administrator of the Office for all juvenile justice and delinquency prevention grants and contracts for funds made available under the Omnibus Crime Control and Safe Streets Act of 1968.

Section 6(c) amends section 201(e) of the act to provide that the Deputy Administrator of the Office shall be appointed by the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration.

Section 6(d) amends section 201(f) to provide that the Deputy Administrator of the Office whose function is to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention shall be appointed by the Attorney General rather than the Administrator of the Law Enforcement Assistance Administration.

CONCENTRATION OF FEDERAL EFFORTS

Section 7(a) amends section 204(b) to make a conforming amendment and to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention to provide training assistance, as well as technical assistance, to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

Section 7(b) amends section 204 to place a limit on appropriations for the purposes of section 204, not to exceed 7.5 percent of the total amount appropriated to carry out title II for each fiscal year.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 8(a) amends section 206(a) (1) of the act to clarify that the Secretary of Housing and Urban Development is a cabinet level secretary included on the Coordinating Council; to add the Secretary of Education as a new cabinet level member; and to add the Director of the Community Services Administration, the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau to the Coordinating Council.

Section 8(b) amends section 206(c) to provide that the Coordinating Council make its annual recommendations to the Congress as well as the President and to provide that the Coordinating Council shall review and make recommendations with respect to any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.

Section 8(c) amends section 206(d) of the act to stipulate that the Coordinating Council should meet at least quarterly rather than simply four times a year.

Section 8(d) amends section 206(e) of the act to provide that the Administrator of the Office of Juvenile Justice and Delinquency Prevention shall, rather than may, appoint such personnel or staff support as he considers necessary.

Section 8(e) amends section 206(g) of the act to place a limit on authorizations of appropriations for the Coordinating Council, not to exceed $500,000 for each fiscal year.

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Section 9 amends part A of title II of the act to strike out section 207, section 208, and section 209, and inserting a single new section for the purpose of reorganizing the National Advisory Committee. Changes subsequent to the reorganization: (1) provide for 15, rather than 21 members, appointed by the President; (2) provide that five of the members so appointed shall not have attained 24 years of age on or before the date of their appointment; (3) require that 2 of the members shall be or shall have been under the jurisdiction of the juvenile justice system; (4) require the Advisory Committee to contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system; (5) provide that members be appointed for 3 rather than 4 years; (6) require the initial appointment of members to be made not later than 90 days after the effective date of the new section; (7) require the President to fill vacancies no later than 90 days after a vacancy occurs; (8) allow members to serve after their terms expire until their successors are named; (9) require at least quarterly meetings rather than a minimum of 4 meetings a year; (10) provide for a date of submission for annual reommendations to the President and Congress; (11) provide for staff assistance appointed by the Chairman rather than the Administrator of the Office; (12) provide that the Advisory Committee shall not have any authority to procure employment of experts and consultants as specified in section 3109 of title 5 of theUnited States Code; and (13) place a limit of authorizations of appropriations, not to exceed $500,000 per fiscal year.

ALLOCATION

Section 10 amends section 222(b) to provide that formula funds unobligated at the end of each fiscal year shall be reallocated in an equitable manner to States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by the States in a manner consistent with the purposes of section 223(a)(10)(H).

STATE PLANS

Section 11(a)(1) amends section 223(a) of the act to provide for 3-year, rather than annual, plans, and annually submitted performance reports which describe progress in implementing programs contained in the original plan and the status of compliance with State plan requirements.

Section 11(a)(2) amends section 223(a)(3)(A) to provide that State advisory groups shall consist of between 15 and 33 members rather than between 21 and 33 members.

Section 11(a)(2) amends section 223(a)(3)(A) to provide that locally elected officials be included on State advisory groups and to clarify that special education departments should be included along with other public agencies for representation on State advisory groups.

Section 11(a)(4) amends section 223(a)(3)(E) of the act to provide that one-fifth of the members of State advisory groups shall be under

24 years of age at the time of their appointment, rather than one-third under 26 years of age.

Section 11(a)(5) amends section 223(a)(3)(F) of the act to require that State advisory groups submit recommendations to the Governor and the state legislature at least annually regarding matters related to its functions and to require that State advisory groups contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

Section 11(a)(6) amends section 223(a)(3)(F)(iii) of the act to make a technical amendment.

Section 11(a)(7) amends section 223(a)(8) to conform State juvenile justice plan requirements with State criminal justice application requirements and to require a State concentration of effort to coordinate State juvenile delinquency programs and policy.

Section 11(a)(8) amends section 223(a)(10) of the act to clarify that the advanced techniques described in the paragraph are to be used to provide community-based alternatives to "secure" juvenile detention and correctional facilities; to make a technical amendment; to clarify that advanced techniques can be used for the purpose of providing programs for juveniles who have committed serious crimes, particularly programs designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation; and to add for a new advanced technique category providing for projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members.

Section 11(a)(9) amends section 223(a)(10)(A) of the act to clarify that education and special education programs are appropriate to be included among community-based programs and services.

Section 11(a)(10) amends section 223(a)(10)(E) of the act to clarify that educational programs included as advanced techniques should be designed to encourage delinquent and other youth to remain in school.

Section 11(a)(11) amends section 223(a)(10)(H) of the act to provide that statewide programs through the use of subsidies or other financial incentives to units of local government should be designed to: (1) remove juveniles from jails and lock-ups for adults; (2) replicate juvenile programs designed as exemplary by the National Institute of Justice; or, (3) to establish and adopt standards for the improvement of juvenile justice within the State; or, (4) to increase the use of nonsecure, community-based facilities and discourage the use of secure incarceration and detention.

Section 11(a)(12) amends section 223(a)(10)(I) of the act to clarify that advanced technique programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities may include on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Section 11(a)(13) amends section 223(a)(12)(A) of the act to clarify that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult shall not be placed in "secure detention facilities or secure correctional facilities" rather than simply "juvenile detention or correctional facilities."

Section 11(a)(14) amends section 223(a)(14) to make a technical amendment redesignating it as section 223(a)(15) and to provide that annual reporting requirements of the results of such monitoring as required by the section can be waived for States in compliance with the requirements of paragraph (12)(A), paragraph (13), and the new paragraph (14), and which have enacted legislation, conforming to those requirements, which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively.

Section 11(a)(15) further amends section 223(a) of the act to make a technical amendment; to add a new paragraph to provide the State plans shall provide that, 5 years following the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults; and, to provide that State plans be modified as soon as practicable after enactment of the 1980 amendments to comply with the requirements of the new paragraph (14).

Section 11(b) amends section 223(c) of the act to make a conforming amendment; to redefine "substantial compliance" with regard to paragraph 223(a)(12)(A) to include either 75 percent deinstitutionalization of juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children or the "removal of 100 percent of such juveniles from secure correctional facilities"; and, to add a new sentence at the end defining the term substantial compliance with regard to new paragraph 223(a)(14).

Section 11(c) amends section 223(d) of the act to provide that allotments redistributed under that paragraph shall be for the purposes of removing juveniles from jails and lock-ups for adults, replicating exemplary juvenile programs, or establishing and adopting standards to improve the juvenile justice system, or to increase the use of nonsecure community-based facilities and to provide that the Administrator shall make such reallocated funds available on an equitable basis to States that have achieved full compliance with the requirements under subsection (a)(12)(A) and subsection (a)(13).

SPECIAL EMPHASIS PREVENTION AND TREATMENT PROGRAMS

Section 12(a) amends section 224(a)(5) of the act to provide, as a special emphasis category, statewide programs through the use of subsidies or other financial incentives designed to remove juveniles from jails and lock-ups for adults; replicate juvenile programs designated as exemplary by the National Institute of Justice; or, to establish and adopt standards for the improvement of juvenile justice within the State.

Section 12(b) amends section 224(a)(11) of the act to clarify that special emphasis programs designed to develop and implement programs relating to juvenile delinquency and learning disabilities may include on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.

Section 12(c) amends section 224 of the act to require that special emphasis assistance be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

PAYMENTS

Section 13(a) amends section 228 of the act to strike out subsection (b) which gave the Administrator discretion to allow States to use 25 per centum of their formula grant funds to match other Federal juvenile delinquency grants and to redesignate the remaining subsections.

Section 13(b) amends section 228(f) of the act, as redesignated, to provide funds available for reallocation under subpart II shall be reallocated in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13) for purposes specified under section 224(a)(5).

ADMINISTRATIVE PROVISIONS

Section 14 amends section 262 of the act to bring relevant applicable administrative provisions of the Omnibus Crime Control and Safe Streets Act of 1968 into conformance subsequent to the Justice System Improvement Amendments of 1979 and to provide that the Office of Justice Assistance, Research, and Statistics shall provide staff support to, and coordinate the activities of the Office in the same manner as it does for the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

RUNAWAY AND HOMELESS YOUTH

Section 15(a) provides that the heading for title III of the act shall be amended to read: "Title III—Runaway and Homeless Youth Act".

Section 15(b) makes an amendment to the short title of title III.

Section 15(c) amends section 311 of the act: (1) to make a conforming technical amendment; (2) to provide that title III funds be distributed equitably among the States based upon their respective population of youth under 18 years of age; (3) to clarify that services provided by runaway and homeless youth centers under title III are also appropriate for the families of the youth as well as the youth themselves; (4) to clarify that the provision of a national communications system for the purpose of assisting runaway and homeless youth to communicate with their families and with service providers is appropriate under title III; (5) to provide a new authority for the Secretary of Health and Human Services to provide supplemental grants to runaway centers which are developing, in cooperation with juvenile court and welfare personnel, model programs for repeat runners; and (6) to provide a new authority for the provision of on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service and welfare personnel to assist to recognize and provide for learning disabled and other handicapped juveniles.

Section 15(d)(1) amends section 312(a) of the act by clarifying that grantees are to provide for runaway centers rather than runaway houses and to clarify that services provided by title III should be available to other homeless juveniles besides those who have left home without permission of their parents or guardians.

Section 15(d)(2) amends section 312(b) of the act to again clarify that services will be provided through "centers" rather than "houses" and to clarify that grantees should include in their plans provisions for assuring proper relations with social service and welfare personnel as well as law enforcement personnel.

Section 15(e) amends section 313 of the act to provide that, in considering grant application, priority be given to grants smaller than $150,000 rather than those smaller than $100,000 and to provide that priority be given to organizations which have demonstrated experience in the provision of service to runaway and homeless youth and their families rather than to applicants having program budgets smaller than $150,000.

Section 15(f) amends section 315 of the act to clarify that services will be provided through "centers" rather than "houses."

TECHNICAL AND CONFORMING AMENDMENTS

Section 16(a) amends section 103(5) of the act to conform with amendments proposed by section 6 of these amendments to provide that the term "Administrator" refers to the head of the Office of Juvenile Justice and Delinquency Prevention subsequent to placement of the Office under the general authority of the Attorney General.

Section 16(b)(1) amends section 201(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(b)(2) amends section 201(d) to conform with amendments proposed in section 6 of these amendments.

Section 16(b)(3) amends section 201(e) of the act to conform with amendments proposed in section 6 of these amendments to make a technical amendment.

Section 16(b)(4) amends section 201(f) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(c)(1) amends section 202(c) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(c)(2) amends section 202(d) of the act to make a technical amendment.

Section 16(d)(1) amends section 204(d)(1) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(2) amends section 204(g) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(3) amends section 204(i) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(d)(4) amends section 204(k) of the act to change a reference to the Secretary of Health, Education, and Welfare to a reference to the Secretary of Health and Human Services.

Section 16(d)(5) amends section 204(l)(1) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(e) amends section 205 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(f)(1) amends section 206(a)(1) of the act: (1) to make technical amendments subsequent to the creation of the Department of Education; (2) to add the Director of the Office of Justice Assistance, Research, and Statistics and the Administrator of the Law Enforcement Assistance Administration to the Federal Coordinating Council on Juvenile Justice and Delinquency Prevention to conform with amendments proposed in section 6 of these amendments; (3) to conform other parts of section 206(a)(1) to amendments proposed in section 6 of these amendments; and (4) to add the Director of the National Institute of Justice to the Coordinating Council.

Section 16(f)(2) amends section 206(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(f)(3) amends section 206(e) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(1) amends section 223(a)(1) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(2) amends section 223(a)(2) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(3) amends section 223(a)(3)(A) of the act to make a technical amendment.

Section 16(g)(4) amends section 223(a)(3)(F) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(5) amends section 223(a)(11) to make a technical amendment.

Section 16(g)(6) amends section 223(a)(12)(B) to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(7) amends section 223(a)(14) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(8) amends section 223(a)(17)(A) to make a technical amendment.

Section 16(g)(9) amends section 223(a)(20) of the act: to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended; to make a technical amendment; and, to conform with amendments proposed in section 6 of these amendments.

Section 16(g)(10) amends section 223(a)(21) of the act to conform to amendments proposed in section 6 of these amendments.

Section 16(g)(11) amends section 223(a) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(12) amends section 223(b) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(g)(13) amends section 223(d) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(h) amends section 224(a)(6) of the act to conform to the establishment of the Department of Education.

Section 16(i) amends section 228(f) as so redesignated in section 11(a) of these amendments, to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(j)(1) amends section 241(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(j)(2) amends section 241(c) of the act to conform to related sections in the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

Section 16(k) amends section 244(3) of the act to make a technical amendment.

Section 16(l) amends section 245 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(m) amends section 246 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(n) amends section 248(a) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(o) amends section 249 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(1) amends section 249 of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(2) amends section 250(b) of the act to conform with amendments proposed in section 6 of these amendments.

Section 16(p)(3) amends section 250(c) of the act to make a technical amendment.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

TITLE I—FINDINGS AND DECLARATION OF PURPOSE

FINDINGS

SEC. 101. (a) The Congress hereby finds that—

(1) juveniles account for almost half the arrests for serious crimes in the United States today;

(2) understaffed, overcrowded juvenile courts, probation services, and correctional facilities are not able to provide individualized justice or effective help;

(3) present juvenile courts, foster and protective care programs, and shelter facilities are inadequate to meet the needs of the countless, abandoned, and dependent children, who, because of this failure to provide effective services, may become delinquents;

(4) existing programs have not adequately responded to the particular problems of the increasing numbers of young people who are addicted to or who abuse *alcohol and other* drugs, particularly nonopiate or polydrug abusers;

(5) juvenile delinquency can be prevented through programs designed to keep students in elementary and secondary schools through the prevention of unwarranted and arbitrary suspensions and expulsions;

(6) States and local communities which experience directly the devastating failures of the juvenile justice system do not presently have sufficient technical expertise or adequate resources to deal comprehensively with the problems of juvenile delinquency; **[and]**

(7) existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency[.] *; and*

(8) the juvenile justice system should give additional attention to the problem of juveniles who commit serious crimes, with particular attention given to the areas of sentencing, providing resources necessary for informed dispositions, and rehabilitation.

(b) Congress finds further that the high incidence of delinquency in the United States today results in enormous annual cost and immeasurable loss of human life, personal security, and wasted human resources and that juvenile delinquency constitutes a growing threat to the national welfare requiring immediate and comprehensive action by the Federal Government to reduce and prevent delinquency.

PURPOSE

SEC. 102. (a) It is the purpose of this Act—

(1) to provide for the thorough and prompt evaluation of all federally assisted juvenile delinquency programs;

(2) to provide technical assistance to public and private agencies, institutions, and individuals in developing and implementing juvenile delinquency programs;

(3) to establish training programs for persons, including professionals, paraprofessionals, and volunteers, who work with delinquents or potential delinquents or whose work or activities relate to juvenile delinquency programs;

(4) to establish a centralized research effort on the problems of juvenile delinquency, including an information clearinghouse to disseminate the findings of such research and all data related to juvenile delinquency;

(5) to develop and encourage the implementation of national standards for the administration of juvenile justice, including recommendations for administrative, budgetary, and legislative action at the Federal, State, and local level to facilitate the adoption of such standards;

(6) to assist State and local communities with resources to develop and implement programs to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions; [and]

(7) to establish a Federal assistance program to deal with the problems of runaway youth[.] *; and*

(8) to assist State and local governments in removing juveniles from jails and lockups for adults.

(b) It is therefore the further declared policy of Congress to provide the necessary resources, leadership, and coordination (1) to develop and implement effective methods of preventing and reducing juvenile delinquency, *including methods with a special focus on maintaining and strengthening the family unit so that juveniles may be retained in their homes*; (2) to develop and conduct effective programs to prevent delinquency, to divert juveniles from the traditional juvenile justice system and to provide critically needed alternatives to institutionalization; (3) to improve the quality of juvenile justice in the United States; and (4) to increase the capacity of State and local governments and public and private agencies to conduct effective juvenile justice and delinquency prevention and rehabilitation programs and to provide research, evaluation, and training services in the field of juvenile delinquency prevention.

DEFINITIONS

SEC. 103. For purposes of this Act—

(1) the term "community based" facility, program, or service means a small, open group home or other suitable place located near the juvenile's home or family and programs of community supervision and service which maintain community and consumer participation in the planning operation, and evaluation of their programs which may include, but are not limited to, medical, educational, vocational, social, and psychological guidance, training, *special education*, counseling, alcoholism treatment, drug treatment, and other rehabilitative services;

(2) the term "Federal juvenile delinquency program" means any juvenile delinquency program which is conducted, directly, or indirectly, or is assisted by any Federal department or agency, including any program funded under this Act;

(3) the term "juvenile delinquency program" means any program or activity related to juvenile delinquency prevention, control, diversion, treatment, rehabilitation, planning, education, training, and research, including drug and alcohol abuse programs; the improvement of the juvenile justice system; and any program or activity for neglected, abandoned, or dependent youth and other youth to help prevent delinquency;

[(4) the term "Law Enforcement Assistance Administration" means the agency established by section 101(a) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;**]**

(4)(A) the term "Office of Justice Assistance, Research, and Statistics" means the office established by section 801(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

(B) the term "Law Enforcement Assistance Administration" means the administration established by section 101 of the Omnibus Crime Control and Safe Streets Act of 1968;

(C) the term "National Institute of Justice" means the institute established by section 202(a) of the Omnibus Crime Control and Safe Streets Act of 1968; and

(D) the term "Bureau of Justice Statistics" means the bureau established by section 302(a) of the Omnibus Crime Control and Safe Streets Act of 1968;

(5) the term "Administrator" means the agency head designated by **[**section 101(b) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended**]** *section 201(c)*;

(6) the term "law enforcement and criminal justice" means any activity pertaining to crime prevention, control, or reduction or the enforcement of the criminal law, including, but not limited to police efforts to prevent, control, or reduce crime or to apprehend criminals, activities of courts having criminal jurisdiction and related agencies (including prosecutorial and defender services, activities of corrections, probation, or parole authorities, and

programs relating to the prevention, control, or reduction of juvenile delinquency or narcotic addiction;

(7) the term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, [and any territory or possession of the United States] *the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands*;

(8) the term "unit of general local government" means any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State, an Indian tribe which performs law enforcement functions as determined by the Secretary of the Interior, or, for the purpose of assistance eligibility, any agency of the District of Columbia government performing law enforcement functions in and for the Disrtict of Columbia and funds appropriated by the Congress for the activities of such agency may be used to provide the non-Federal share of the cost of programs or projects funded under this title;

(9) the term "combination" as applied to States or units of general local government means any grouping or joining together of such States or units for the purpose of preparing, developing, or implementing a [law enforcement] *juvenile justice and delinquency prevention* plan;

(10) the term "construction" means acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees but not the cost of acquisition of land for buildings);

(11) the term "public agency" means any State, unit of local government, combination of such States or units, or any department, agency, or instrumentality of any of the foregoing;

[(12) the term "correctional institution or facility" means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses; and]

(12) the term "secure detention facility" means any public or private residential facility which—

(A) includes construction fixtures designed to physically restrict the movements and activities of juveniles or other individuals held in lawful custody in such facility; and

(B) is used for the temporary placement of any juvenile who is accused of having committed an offense, of any nonoffender, or of any other individual accused of having committed a criminal offense:

(13) the term "secure correctional facility" means any public or private residential facility which—

(A) includes construciton fixtures designed to physically restrict the movements and activities of juveniles or other individuals held by lawful custody in such facility: and

(B) is used for the placement, after adjudication and disposition, of any juvenile who has been adjudicated as having committed an offense, any nonoffender, or any other individual convicted of a criminal offense:

(14) the term "serious crime" means criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence, and arson punishable as a felony; and

[(13)] *(15)* the term "treatment" includes but is not limited to medical, educational, *special education*, social, psychological, and vocational services, corrective and preventive guidance and training, and other rehabilitative services designed to protect the public [and benefit the addict or other user by eliminating his dependence on addicting or other drugs or by controlling his dependence, and his], *including services designed to benefit addicts and other users by eliminating their dependence on alcohol or other addictive or nonaddictive drugs or by controlling their dependence and* susceptibility to addiction or use.

TITLE II—JUVENILE JUSTICE AND DELINQUENCY PREVENTION

PART A—JUVENILE JUSTICE AND DELINQUENCY PREVENTION OFFICE

ESTABLISHMENT OF OFFICE

SEC. 201. (a) There is hereby created within the Department of Justice, [Law Enforcement Assistance Administration] *under the general authority of the Attorney General*, the Office of Juvenile Justice and Delinquency Prevention (referred to in this Act as the "Office"). The Administrator shall administer the provisions of this Act through the Office.

(b) The programs authorized pursuant to this Act unless otherwise specified in this Act shall be administered by the Office established under this section.

(c) There shall be at the head of the Office an [Associate] Administrator who shall be nominated by the President by and with the advice and consent of the Senate. [The Associate Administrator may be referred to the Administrator of the Office of Juvenile Justice and Delinquency Prevention in connection with the performance of his functions as the head of the Office, except that any reference in this Act to the "Administrator" shall not be construed as a reference to the Associate Administrator.]

(d) The [Associate] Administrator shall exercise all necessary powers, subject to the [direction of the Administrator of the Law Enforcement Assistance Administration] *general authority of the Attorney General*. The [Associate] Administrator is authorized[, subject to the direction of the Administrator,] to *prescribe regulations for*, award, administer, modify, extend, terminate, monitor, evaluate, reject, or deny all grants and contracts from, and applications for, funds made available under part B and part C of this title. The Administrator *of the Law Enforcement Assistance Administration and the Director of the National Institute of Justice* may delegate such authority to the [Associate] Administrator *of the Office of Juvenile Justice and Delinquency Prevention* for all grants and contracts from, and applications for, funds made available under this part and funds made available for juvenile justice and delinquency prevention programs under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. [The Associate Administrator shall report directly to the Administrator.]

(e) There shall be in the Office a Deputy [Associate] Administrator who shall be appointed by the [Administrator of the Law Enforcement Assistance Administration.] *Attorney General.* The Deputy Associate Administrator shall perform such functions as the [Associate] Administrator from time to time assigns or delegates, and shall act as [Associate] Administrator during the absence or disability of the [Associate] Administrator or in the event of a vacancy in the [Office] *office* of the [Associate] Administrator.

(f) There shall be established in the Office a Deputy [Associate] Administrator who shall be appointed by the [Administrator] *Attorney General* whose function shall be to supervise and direct the National Institute for Juvenile Justice and Delinquency Prevention established under section 241 of this Act.

(g) Section 5108(c)(10) of title 5, United States Code first occurrence, is amended by deleting the word "twenty-two" and inserting in lieu thereof the word "twenty-five".

PERSONNEL, SPECIAL PERSONNEL, EXPERTS, AND CONSULTANTS

SEC. 202. (a) The Administrator is authorized to select, employ, and fix the compensation of such officers and employees, including attorneys, as are necessary to perform the functions vested in him and to prescribe their functions.

(b) The Administrator is authorized to select, appoint, and employ not to exceed three officers and to fix their compensation at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code.

(c) Upon the request of the Administrator, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the [Associate] Administrator to assist him in carrying out his functions under this Act.

(d) The Administrator may obtain services as authorized by section 3109 of title 5 of the United States Code, at rates not to exceed the rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of [title I] *title 5* of the United States Code.

VOLUNTARY SERVICE

SEC. 203. The Administrator is authorized to accept and employ, in carry out the provisions of this Act, voluntary and uncompensated services notwithstanding the provisions of section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)).

CONCENTRATION OF FEDERAL EFFORTS

SEC. 204. (a) The Administrator shall implement overall policy and develop objectives and priorities for all Federal juvenile delinquency programs and activities relating to prevention, diversion, training, treatment, rehabilitation, evaluation, research, and improvement of the juvenile justice system in the United States. In carrying out his functions, the Administrator shall consult with the Council and the National Advisory Committee for Juvenile Justice and Delinquency Prevention.

(b) In carrying out the purposes of this Act, the Administrator [, with the assistance of the Associate Administrator,] shall—

(1) advise the President through the Attorney General as to all matters relating to federally assisted juvenile delinquency programs and Federal policies regarding juvenile delinquency;

(2) assist operating agencies which have direct responsibilities for the prevention and treatment of juvenile delinquency in the development and promulgation of regulations, guidelines, requirements, criteria, standards, procedures, and budget requests in accordance with the policies, priorities, and objectives he establishes;

(3) conduct and support evaluations and studies of the performance and results achieved by Federal juvenile delinquency programs and activities and of the prospective performance and results that might be achieved by alternative programs and activities supplementary to or in lieu of those currently being administered;

(4) implement Federal juvenile delinquency programs and activities among Federal departments and agencies and between Federal juvenile delinquency programs and activities and other Federal programs and activities which he determines may have an important bearing on the success of the entire Federal juvenile delinquency effort;

(5) develop annually with the assistance of the Advisory Committee and the Coordinating Council and submit to the President and the Congress, after the first year following the date of the enactment of the Juvenile Justice Amendments of 1977, prior to December 31, an analysis and evaluation of Federal juvenile delinquency programs conducted and assisted by Federal departments and agencies, the expenditures made, the results achieved, the plans developed, and problems in the operations and coordination of such programs and a brief but precise comprehensive plan for Federal juvenile delinquency programs, with particular emphasis on the prevention of juvenile delinquency and the development of programs and services which will encourage increased diversion of juveniles from the traditional juvenile justice system, which analysis and evaluation shall include recommendations for modifications in organization, management, personnel, standards, budget requests, and implementation plans necessary to increase the effectiveness of these programs; and

(6) provide technical assistance *and training assistance* to Federal, State, and local governments, courts, public and private agencies, institutions, and individuals, in the planning, establishment, funding, operation, or evaluation of juvenile delinquency programs.

(c) The President shall, no later than ninety days after receiving each annual report under subsection (b)(5), submit a report to the Congress and to the Council containing a detailed statement of any action taken or anticipated with respect to recommendations made by each such annual report.

(d)(1) The first annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to information required by subsection (b)(5), a detailed statement of criteria developed by the [Associate] Administrator for identifying the characteristics of juvenile delinquency, juvenile delinquency prevention, diversion of youths from the juvenile justice system, and the training, treatment, and rehabilitation of juvenile delinquents.

(2) The second such annual report shall contain, in addition to information required by subsection (b)(5), an identification of Federal programs which are related to juvenile delinquency prevention or treatment, together with a statement of the moneys expended for each such program during the most recent complete fiscal year. Such identification shall be made by the Administrator through the use of criteria developed under paragraph (1).

(e) The third such annual report submitted to the President and the Congress by the Administrator under subsection (b)(5) shall contain, in addition to the comprehensive plan required by subsection (b)(5), a detailed statement of procedures to be used with respect to the submission of juvenile delinquency development statements to the Administrator by Federal agencies under subsection ("l"). Such statement submitted by the Administrator shall include a description of information, data, and analyses which shall be contained in each such development statement.

(f) The Administrator may require, through appropriate authority, Federal departments and agencies engaged in any activity involving any Federal juvenile delinquency program to provide him with such information and reports, and to conduct such studies and surveys, as he may deem to be necessary to carry out the purposes of this part.

(g) The Administrator may delegate any of his functions under this title, to any officer or employee of the [Administration] *Office*.

(h) The Administrator is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement as may be agreed upon.

(i) The Administrator is authorized to transfer funds appropriated under this title to any agency of the Federal Government to develop or demonstrate new methods in juvenile delinquency prevention and rehabilitation and to supplement existing delinquency prevention and rehabilitation programs which the [Associate] Administrator finds to be exceptionally effective or for which he finds there exists exceptional need.

(j) The Administrator is authorized to make grants to, or enter into contracts with, any public or private agency, organization, institution, or individual to carry out the purposes of this title.

(k) All functions of the Administrator under this title shall be coordinated as appropriate with the functions of the Secretary of [the Department of Health, Education, and Welfare] *Health and Human Services* under title III of this Act.

(l)(1) The Administrator shall require through appropriate authority each Federal agency which administers a Federal juvenile delinquency program which meets any criterion developed by the

[Associate] Administrator under section 204(d)(1) to submit annually to the Council a juvenile delinquency development statement. Such statement shall be in addition to any information, report, study, or survey which the Administrator may require under section 204(f).

(2) Each juvenile delinquency development statement submitted to the Administrator under subsection ("1") shall be submitted in accordance with procedures established by the Administrator under section 204(e) and shall contain such information, data, and analyses as the Administrator may require under section 204(e). Such analyses shall include an analysis of the extent to which the juvenile delinquency program of the Federal agency submitting such development statement conforms with and furthers Federal juvenile delinquency prevention and treatment goals and policies.

(3) The Administrator shall review and comment upon each juvenile delinquency development statement transmitted to him under subsection ("1"). Such development statement, together with the comments of the Administrator, shall be included by the Federal agency involved in every recommendation or request made by such agency for Federal legislation which significantly affects juvenile delinquency prevention and treatment.

(m) To carry out the purposes of this section, there is authorized to be appropriated for each fiscal year an amount which does not exceed 7.5 percent of the total amount appropriated to carry out this title.

JOINT FUNDING

SEC. 205. Notwithstanding any other provision of law, where funds are made available by more than one Federal agency to be used by any agency, organization, institution, or individual to carry out a Federal juvenile delinquency program or activity, any one of the Federal agencies providing funds may be requested by the Administrator to act for all in administering the funds advanced whenever the [Associate] Administrator finds the program or activity to be exceptionally effective or for which the [Associate] Administrator finds exceptional need. In such cases a single non-Federal share requirement may be established according to the proportion of funds advanced by each Federal agency, and the Administrator may order any such agency to waive any technical grant or contract requirement (as defined in such regulations) which is inconsistent with the similar requirement of the administering agency or which the administering agency does not impose.

COORDINATING COUNCIL ON JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 206. (a)(1) There is hereby established, as an independent organization in the executive branch of the Federal Government a Coordinating Council on Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Council") composed of the Attorney General, the Secretary of Health[, Education, and Welfare,] *and Human Services*, the Secretary of Labor, *the Secretary of Education, the Secretary of Housing and Urban Development, the Director of the Community Services Administration*, the Director of the Office of Drug Abuse Policy, [the Commissioner of the Office of Education,] the Director of the ACTION Agency, [the Secretary of Hous- and Urban Development,] *the Director of the Bureau of Prisons, the Commissioner of the Bureau of Indian Affairs, the Director for the Office of Special Education and Rehabilitation Services, the Commissioner for the Administration for Children, Youth, and Families, and the Director of the Youth Development Bureau,* or their respective designees, *the Director of the Office of Justice Assistance, Research, and Statistics, the Administrator of the Law Enforcement Assistance Administration,* the [Associate] Administrator of the Office of Juvenile Justice and Delinquency Prevention, the Deputy [Associate] Administrator of the Institute for Juvenile Justice and Delinquency Prevention, *the Director of the National Institute of Justice,* and representatives of such other agencies as the President shall designate.

(2) Any individual designated under this section shall be selected from individuals who exercise significant decisionmaking authority in the Federal agency involved.

(b) The Attorney General shall serve as Chairman of the Council. The [Associate] Administrator of the Office of Juvenile Justice and Delinquency Prevention shall serve as Vice Chairman of the Council. The Vice Chairman shall act as Chairman in the absence of the Chairman.

(c) The function of the Council shall be to coordinate all Federal juvenile delinquency programs. The Council shall make recommendations to [the Attorney General and] the President, *and to the Congress,* at least annually with respect to the coordination of overall policy and development of objectives and priorities for all Federal juvenile delinquency programs and activities. The Council is authorized to review the programs and practices of Federal agencies and report on the degree to which Federal agency funds are used for purposes which are consistent or inconsistent with the mandates of section 223(a)(12)(A) and (13) of this title. *The Council shall review, and make recommendations with respect to, any joint funding proposal undertaken by the Office of Juvenile Justice and Delinquency Prevention and any agency represented on the Council.*

(d) The Council shall meet [a minimum of four times per year] *at least quarterly* and a description of the activities of the Council shall be included in the annual report required by section 204(b)(5) of this title.

(e) The [Associate] Administrator [may] *shall,* with the approval of the Council, appoint such personnel or staff support as he considers necessary to carry out the purposes of this title.

(f) Members of the Council who are employed by the Federal Government full time shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Council.

(g) To carry out the purposes of this section there is authorized to be appropriated such sums as may be necessary, *not to exceed $500,000 for each fiscal year.*

[ADVISORY COMMITTEE

[SEC. 207. (a) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter referred to as the "Advisory Committee") which shall consist of twenty-one members.

[(b) The members of the Coordinating Council or their respective designees shall be ex officio members of the Committee.

[(c) The regular members of the Advisory Committee shall be appointed by the President from persons who by virtue of their training or experience have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; and representatives of private voluntary organizations and community-based programs, including youth workers involved with alternative youth programs and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities. The President shall designate the Chairman. A majority of the members of the Advisory Committee, including the Chairman, shall not be full-time employees of Federal, State, or local governments. At least seven members shall not have attained twenty-six years of age on the date of their appointment, of whom at least three shall have been or shall currently be under the jurisdiction of the juvenile justice system.

[(d) Members appointed by the President to the Committee shall serve for terms of four years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be four years. Such members shall be appointed within ninety days after the date of the enactment of this title. Any members appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. Eleven members of the committee shall constitute a quorum.

[DUTIES OF THE ADVISORY COMMITTEE

[SEC. 208. (a) The Advisory Committee shall meet at the call of the Chairman, but not less than four times a year.

[(b) The Advisory Committee shall make recommendations to the Associate Administrator, the President, and the Congress at least annually with respect to planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs.

[(c) The Chairman shall designate a subcommittee of members of the Advisory Committee to advise the Associate Administrator on particular functions or aspects of the work of the Office.

[(d) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve, together with the Director of the National Institute of Corrections, as members of an Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention to perform the functions set forth in section 245 of this title.

[(e) The Chairman shall designate a subcommittee of not less than five members of the Committee to serve as an Advisory Committee to the Associate Administrator on Standards for Juvenile Justice to perform the functions set forth in section 247 of this title.

[(f) The Chairman, with the approval of the Committee shall request of the Associate Administrator such staff and other support as may be necessary to carry out the duties of the Advisory Committee.

[(g) The Associate Administrator shall provide such staff and other support as may be necessary to perform the duties of the Advisory Committee.

[COMPENSATION AND EXPENSES

[SEC. 209. (a) Members of the Advisory Committee who are employed by the Federal Government full time shall serve without compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.

[(b) Members of the Advisory Committee not employed full time by the Federal Government shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for GS–18 of the General Schedule by section 5332 of title 5 of the United States Code, including traveltime for each day they are engaged in the performance of their duties as members of the Advisory Committee. Members shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the duties of the Advisory Committee.]

NATIONAL ADVISORY COMMITTEE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 207. (a)(1) There is hereby established a National Advisory Committee for Juvenile Justice and Delinquency Prevention (hereinafter in this Act referred to as the "Advisory Committee") which shall consist of 15 members appointed by the President.

(2) Members shall be appointed who have special knowledge concerning the prevention and treatment of juvenile delinquency or the administration of juvenile justice, such as juvenile or family court judges; probation, correctional, or law enforcement personnel; representatives of private, voluntary organizations and community-based programs, including youth workers involved with alternative youth programs; and persons with special training or experience in addressing the problems of youth unemployment, school violence and vandalism, and learning disabilities.

(3) At least 5 of the individuals appointed as members of the Advisory Committee shall not have attained 24 years of age on or before the date of their appointment. At least 2 of the individuals so appointed shall have been or shall be (at the time of appointment) under the jurisdiction of the juvenile justice system. The Advisory Committee shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system.

(4) The President shall designate the Chairman from members appointed to the Advisory Committee. No full-time officer or employee of the Federal Government may be appointed as a member of the Advisory Committee, nor may the Chairman be a full-time officer or employee of any State or local government.

(b)(1) Members appointed by the President shall serve for terms of 3 years. Of the members first appointed, 5 shall be appointed for terms of 1 year, 5 shall be appointed for terms of 2 years, and 5 shall be appointed for terms of 3 years, as designated by the President at the time of appointment. Thereafter, the term of each member shall be 3 years. The initial appointment of members shall be made not later than 90 days after the effective date of this section.

(2) Any member appointed to fill a vacancy occurring before the expiration of the term for which the predecessor of such member was appointed shall be appointed only for the remainder of such term. The President shall fill a vacancy not later than 90 days after such vacancy occurs. Members shall be eligible for reappointment and may serve after the expiration of their terms until their successors have taken office.

(c) The Advisory Committee shall meet at the call of the Chairman, but not less than quarterly. Ten members of the Advisory Committee shall constitute a quorum.

(d) The Advisory Committee shall—

(1) review and evaluate, on a continuing basis, Federal policies regarding juvenile justice and delinquency prevention and activities affecting juvenile justice and delinquency prevention conducted or assisted by all Federal agencies;

(2) advise the Administrator with respect to particular functions or aspects of the work of the Office;

(3) advise, consult with, and make recommendations to the National Institute of Justice and the National Institute for Juvenile Justice and Delinquency Prevention concerning the overall policy and operations of each such Institute regarding juvenile justice and delinquency prevention research, evaluations, and training provided by each such Institute; and

(4) make refinements in recommended standards for the administration of juvenile justice at the Federal, State, and local levels which have been reviewed under section 247, and recommend Federal, State, and local action to facilitate the adoption of such standards throughout the United States.

(e) Beginning in 1981, the Advisory Committee shall submit such interim reports as it considers advisable to the President and to the Congress, and shall submit an annual report to the President and to the Congress not later than March 31 of each year. Each such report shall describe the activities of the Advisory Committee and shall contain such findings and recommendations as the Advisory Committee considers necessary or appropriate.

(f) The Advisory Committee shall have staff personnel, appointed by the Chairman with the approval of the Advisory Committee, to assist it in carrying out its activities. The head of each Federal agency shall make available to the Advisory Committee such information and other assistance as it may require to carry out its activities. The Advisory Committee shall not have any authority to procure any temporary or intermittent services of any personnel under section 3109 of title 5, United States Code, or under any other provision of law.

(g)(1) Members of the Advisory Committee shall, while serving on business of the Advisory Committee, be entitled to receive compensation at a rate not to exceed the daily rate specified for Grade

GS-18 of the General Schedule in section 5332 of title 5, United States Code, including travel time.

(2) Members of the Advisory Committee, while serving away from their places of residence or regular places of business, shall be entitled to reimbursement for travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703 of title 5, United States Code, for persons in the Federal Government service employed intermittently.

(h) To carry out the purposes of this section, there is authorized to be appropriated such sums as may be necessary, not to exceed $500,000 for each fiscal year.

PART B—FEDERAL ASSISTANCE FOR STATE AND LOCAL PROGRAMS

Subpart I—Formula Grants

SEC. 221. The Administrator is authorized to make grants to States and units of general local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system.

ALLOCATION

SEC. 222. (a) In accordance with regulations promulgated under this part, funds shall be allocated annually among the States on the basis of relative population of people under age eighteen. No such allotment to any State shall be less than $225,000, except that for the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands no allotment shall be less than $56,250.

(b) Except for funds appropriated for fiscal year 1975, if any amount so allotted remains unobligated at the end of the fiscal year, such funds shall be reallocated [in a manner equitable and consistent with the purpose of this part] *in an equitable manner to the States which are determined by the Administrator to be in compliance with the requirements of section 223(a)(12)(A) and section 223(a)(13) for use by such States in a manner consistent with the purposes of section 223(a)(10)(H)*. Funds appropriated for fiscal year 1975 may be obligated in accordance with subsection (a) until June 30, 1976, after which time they may be reallocated. Any amount so reallocated shall be in addition to the amounts already allotted and available to the State, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands for the same period.

(c) In accordance with regulations promulgated under this part, a portion of any allotment to any State under this part shall be available to develop a State plan or for other pre-award activities associated with such State plan, and to pay that portion of the expenditures which are necessary for efficient administration, including monitoring and evaluation. Not more than 7½ per centum of the total annual allotment of such State shall be available for such purposes, except that any amount expended or obligated by such State, or by units of general local government or any combination thereof, from amounts made available under this subsection shall be matched (in an amount equal to any such amount so expended or obligated) by such State, or by such units or combinations, from State or local funds, as the case may be. The State shall make available needed funds for planning and administration to units of general local government or combinations thereof within the State on an equitable basis.

(d) In accordance with regulations promulgated under this part, 5 per centum of the minimum annual allotment to any State under this part shall be available to assist the advisory group established under section 223(a)(3) of this Act.

STATE PLANS

SEC. 223. (a) In order to receive formula grants under this part, a State shall submit a plan for carrying out its purposes [consistent with the provisions of section 303([illegible], (1), (3), (5), (6), (8), (10), (11), (12), (15), and (17) of title I of the Omnibus Crime Control and Safe Streets Act of 1968. In accordance with regulations established under this title, such plan must] *applicable to a 3-year period. Such plan shall be amended annually to include new programs, and the State shall submit annual performance reports to the Administrator which shall describe progress in implementing programs contained in the original plan, and shall describe the status of compliance with State plan requirements. In accordance with regulations which the Administrator shall prescribe, such plan shall*—

(1) designate the State [planning agency] *criminal justice council* established by the State under section [203 of such title I] *402(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968* as the sole agency for supervising the preparation and administration of the plan;

(2) contain satisfactory evidence that the State agency designated in accordance with paragraph (1) (hereafter referred to in this part as the "State [planning agency] *criminal justice council*") has or will have authority, by legislation if necessary, to implement such plan in conformity with this part;

(3) provide for an advisory group appointed by the chief executive of the State to carry out the functions specified in subparagraph (F), and to participate in the development and review of the State's juvenile justice plan prior to submission to the supervisory board for final action and (A) which shall consist of not less than [twenty-one] *15* and not more than [thirty-three] *33* persons who have training, experience, or special knowledge concerning the prevention and treatment of [a] juvenile delinquency or the administration of juvenile justice, (B) which shall include *locally elected officials*, representation of units of local government, law enforcement and juvenile justice agencies such as law enforcement, correction or probation personnel, and juvenile or family court judges, and public agencies concerned with delinquency prevention or treatment such as welfare, social services, mental health, education, *special education*, or youth services departments, (C)

which shall include representatives of private organizations concerned with delinquency prevention or treatment; concerned with neglected or dependent children; concerned with the quality of juvenile justice, education, or social services for children; which utilize volunteers to work with delinquents or potential delinquents; community-based delinquency prevention or treatment programs; business groups and businesses employing youth, youth workers involved with alternative youth programs, and persons with special experience and competence in addressing the problem of school violence and vandalism and the problem of learning disabilities; and organizations which represent employees affected by this Act, (D) a majority of whose members (including the chairman) shall not be full-time employees of the Federal, State, or local government, (E) at least [one-third] *one-fifth* of whose members shall be under the age of [twenty-six] *24* at the time of appointment, *and* at least [three of whom] *3 of whose members* shall have been or shall currently be under the jurisdiction of the juvenile justice system; and (F) which (i) shall, consistent with this title, advise the State [planning agency] *criminal justice council* and its supervisory board; [(ii) may advise the Governor and the legislature on matters related to its functions, as requested;] *(ii) shall submit to the Governor and the legislature at least annually recommendations with respect to matters related to its functions, including State compliance with the requirements of paragraph (12)(A) and paragraph (13)*; (iii) shall have an opportunity for review and comment on all juvenile justice and delinquency prevention grant applications submitted to the State [planning agency other than those subject to review by the State's judicial planning committee established pursuant to section 203 (c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended] *criminal justice council*, except that any such review and comment shall be made no later than 30 days after the submission of any such application to the advisory group; [and] (iv) may be given a role in monitoring State compliance with the requirements of paragraph (12)(A) and paragraph (13), in advising on State [planning agency and regional planning unit supervisory] *criminal justice council and local criminal justice advisory* board composition, in advising on the State's maintenance of effort under [section 261(b) and section 502(b)] *section 1002* of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and in review of the progress and accomplishments of juvenile justice and delinquency prevention projects funded under the comprehensive State plan; *and (v) shall contact and seek regular input from juveniles currently under the jurisdiction of the juvenile justice system*;

(4) provide for the active consultation with and participation of units of general local government or combinations thereof in the development of a State plan which adequately takes into account the needs and requests of local governments, except that nothing in the plan requirements, or any regulations promulgated to carry out such requirements, shall be construed to prohibit or impede the State from making grants to, or entering into contracts with, local private agencies or the advisory group;

(5) unless the provisions of this paragraph are waived at the discretion of the Administrator for any State in which the services for delinquent or other youth are organized primarily on a statewide basis, provide that at least 66⅔ per centum of funds received by the State under section 222, other than funds made available to the State advisory group under section 222(e), shall be expended through—

(A) programs of units of general local government or combinations thereof, to the extent such programs are consistent with the State plan: and

(B) programs of local private agencies, to the extent such programs are consistent with the State plan, except that direct funding of any local private agency by a State shall be permitted only if such agency requests such funding after it has applied for and been denied funding by any unit of general local government or combination thereof;

(6) provide that the chief executive officer of the unit of general local government shall assign responsibility for the preparation and administration of the local government's part of a State plan, or for the supervision of the preparation and administration of the local government's part of the State plan, to that agency within the local government's structure or to a regional planning agency (hereinafter in this part referred to as the "local agency") which can most effectively carry out the purposes of this part and shall provide for supervision of the programs funded under this part by that local agency;

(7) provide for an equitable distribution of the assistance received under section 222 within the State;

[(8) set forth a detailed study of the State needs for an effective, comprehensive, coordinated approach to juvenile delinquency prevention and treatment and the improvement of the juvenile justice system. This plan shall include itemized estimated costs for the development and implementation of such programs. Programs and projects developed from the study may be funded under paragraph (10) provided that they meet the criteria for advanced technique programs as specified therein;]

(8) provide for (A) an analysis of juvenile crime problems and juvenile justice and delinquency prevention needs within the relevant jurisdiction, a description of the services to be provided, and a description of performance goals and priorities, including a specific statement of the manner in which programs are expected to meet the identified juvenile crime problems and juvenile justice and delinquency prevention needs of the jurisdiction; (B) an indication of the manner in which the programs relate to other similar State or local programs which are intended to address the same or similar problems; and (C) a plan for the concentration of State efforts which shall coordinate all State juvenile delinquency programs with respect to overall policy and development of objectives and priorities for all State juvenile delinquency programs and activities, including provision for regular meetings of State officials with responsibility in the area of juvenile justice and delinquency prevention;

(9) provide for the active consultation with and participation of private agencies in the development and execution of the State plan; and provide for coordination and maximum utilization of existing juvenile delinquency programs and other related programs, such as education, health, and welfare within the State;

(10) provide that not less than 75 per centum of the funds available to such State under section 222, other than funds made available to the State advisory group under section 222(e), whether expended directly by the State, by the unit of general local government or combination thereof, or through grants and contracts with public or private agencies, shall be used for advanced techniques in developing, maintaining, and expanding programs and services designed to prevent juvenile delinquency, to divert juveniles from the juvenile justice system, to provide community-based alternatives to [juvenile detention and correctional facilities] *confinement in secure detention facilities and secure correctional facilities*, to encourage a diversity of alternatives within the juvenile justice system, [and] to establish and adopt juvenile justice standards, *and to provide programs for juveniles who have committed serious crimes, particularly programs which are designed to improve sentencing procedures, provide resources necessary for informed dispositions, and provide for effective rehabilitation*. These advanced techniques include—

(A) community-based programs and services for the prevention and treatment of juvenile delinquency through the development of foster-care and shelter-care homes, group homes, halfway houses, homemaker and home health services, twenty-four hour intake screening, volunteer and crisis home programs, *education, special education*, day treatment, and home probation, and any other designated community-based diagnostic, treatment, or rehabilitative service;

(B) community-based programs and services to work with parents and other family members to maintain and strengthen the family unit so that the juvenile may be retained in his home;

(C) youth service bureaus and other community-based programs to divert youth from the juvenile court or to support, counsel, or provide work and recreational opportunities for delinquents and other youths to help prevent delinquency;

(D) projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system;

(E) educational programs or supportive services designed to [keep delinquents and to] encourage *delinquent youth and* other youth to remain in elementary and secondary schools or in alternative learning situations;

(F) expanded use of probation and recruitment and training of probation officers, other professional and paraprofessional personnel and volunteers to work effectively with youth;

(G) youth initiated programs and outreach programs designed to assist youth who otherwise would not be reached by traditional youth assistance programs;

[(H) provide for a statewide program through the use of probation subsidies, other subsidies, other financial incentives or disincentives to units of local government, or other effective means, are designed to—

[(i) reduce the number of commitments of juveniles to any form of juvenile facility as a percentage of the State juvenile population;

[(ii) increase the use of nonsecure community-based facilities as a percentage of total commitments to juvenile facilities; and

[(iii) discourage the use of secure incarceration and detention;]

(H) statewide programs through the use of subsidies or other financial incentives to units of local government designed to—

(i) remove juveniles from jails and lockups for adults;

(ii) replicate juvenile programs designated as exemplary by the National Institute of Justice;

(iii) establish and adopt, based upon the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State; or

(iv) increase the use of nonsecure community-based facilities and discourage the use of secure incarceration and detention;

[(I) programs and activities to establish and adopt, based on the recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;]

(I) programs designed to develop and implement projects relating to juvenile delinquency and learning disabilities, including on-the-job training programs to assist law enforcement and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles; and

(J) projects designed both to deter involvement in illegal activities and to promote involvement in lawful activities on the part of juvenile gangs and their members;

(11) [provides] *provide* for the development of an adequate research, training, and evaluation capacity within the State;

(12)(A) provide within three years after submission of the initial plan that juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult, or such nonoffenders as dependent or neglected children, shall not be placed in [juvenile detention or correctional facilities] *secure detention facilities or secure correctional facilities;* and

(B) provide that the State shall submit annual reports to the [Associate] Administrator containing a review of the progress made by the State to achieve the deinstitutionalization of juveniles described in subparagraph (A) and a review of the progress made by the State to provide that such juveniles, if placed in facilities, are placed in facilities which (i) are the least restrictive alternatives appropriate to the needs of the child and the community; (ii) are in reasonable proximity to the family and the home communities of such juveniles; and (iii) provide the services described in section 103(1);

(13) provide that juveniles alleged to be or found to be delinquent and youths within the purview of paragraph (12) shall not be detained or confined in any institution in which they have regular contact with adult persons incarcerated because they have been convicted of a crime or are awaiting trial on criminal charges;

(14) provide that, beginning after the 5-year period following the date of the enactment of the Juvenile Justice Amendments of 1980, no juvenile shall be detained or confined in any jail or lockup for adults;

[(14)] *(15)* provide for an adequate system of monitoring jails, detention facilities, correctional facilities, and non-secure facilities to insure that the requirements of paragraph (12)(A) [and], paragraph (13), *and paragraph (14)* are met, and for annual reporting of the results of such monitoring to the [Associate] Administrator, *except that such reporting requirements shall not apply in the case of a State which is in compliance with the other requirements of this paragraph, which is in compliance with the requirements in paragraph (12)(A) and paragraph (13), and which has enacted legislation which conforms to such requirements and which contains, in the opinion of the Administrator, sufficient enforcement mechanisms to ensure that such legislation will be administered effectively;*

[(15)] *(16)* provide assurance that assistance will be available on an equitable basis to deal with disadvantaged youth including, but not limited to, females, minority youth, and mentally retarded and emotionally or physically handicapped youth;

[(16)] *(17)* provide for procedures to be established for protecting the rights of recipients of services and for assuring appropriate privacy with regard to records relating to such services provided to any individual under the State plan;

[(17)] *(18)* provide that fair and equitable arrangements are made to protect the interests of employees affected by assistance under this Act. Such protective arrangements shall, to the maximum extent feasible, include, without being limited to, such provisions as may be necessary for—

(A) the preservation [or] *of* rights, privileges, and benefits (including continuation of pension rights and benefits) under existing collective-bargaining agreements or otherwise;

(B) the continuation of collective-bargaining rights;

(C) the protection of individual employees against a worsening of their positions with respect to their employment;

(D) assurances of employment to employees of any State or political subdivision thereof who will be affected by any program funded in whole or in part under provisions of this Act;

(E) training or retraining programs.

The State plan shall provide for the terms and conditions of the protection arrangements established pursuant to this section;

[(18)] *(19)* provide for such fiscal control and fund accounting procedures necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title;

[(19)] *(20)* provide reasonable assurances that Federal funds made available under this part for any period will be so used as to supplement and increase (but not supplant) the level of the State, local, and other non-Federal funds that would in the absence of such Federal funds be made available for the programs described in this part, and will in no event replace such State, local, and other non-Federal funds;

[(20)] *(21)* provide that the State [planning agency] *criminal justice council* will from time to time, but not less often [then] *than* annually, review its plan and submit to the [Associate] Administrator an analysis and evaluation of the effectiveness of the programs and activities carried out under the plan, and any modifications in the plan, including the survey of State and local needs, which it considers necessary; and

[(21)] *(22)* contain such other terms and conditions as the [Associate] Administrator may reasonably prescribe to assure the effectiveness of the programs assisted under this title.

Such plan may at the discretion of the Administrator be incorporated into the plan specified in [303(a)] *section 403* of the Omnibus Crime Control and Safe Streets Act. *Such plan shall be modified by the State, as soon as practicable after the date of the enactment of the Juvenile Justice Amendments of 1980, in order to comply with the requirements of paragraph (14).*

(b) The State [planning agency] *criminal justice council* designated pursuant to section 223(a), after receiving and considering the advice and recommendations of the advisory group referred to in section 223(a), shall approve the State plan and any modification thereof prior to submission to the Administrator.

(c) The Administrator shall approve any State plan and any modification thereof that meets the requirements of this section. Failure to achieve compliance with the subsection (a)(12)(A) requirement within the three-year time limitation shall terminate any State's eligibility for funding under this subpart unless the Administrator[, with the concurrence of the Associate Administrator,] determines that the State is in substantial compliance with the requirement, through achievement of deinstitutionalization of not less than 75 per centum of such juveniles *or through removal of 100 percent of such juveniles from secure correctional facilities*, and has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time not exceeding two additional years. *Failure to achieve compliance with the requirements of subsection (a)(14) within the 5-year time limitation shall terminate any State's eligibility for funding under this subpart, unless the Administrator determines that (1) the State is in substantial compliance* *with such requirements through the achievement of not less than 75 percent removal of juveniles from jails and lockups for adults; and (2) the State has made, through appropriate executive or legislative action, an unequivocal commitment to achieving full compliance within a reasonable time, not to exceed 2 additional years.*

(d) In the event that any State chooses not to submit a plan, fails to submit a plan, or submits a plan or any modification thereof, which the Administrator, after reasonable notice and opportunity for hearing, in accordance with sections [509, 510, and 511] *803, 804, and 805* of title I of the Omnibus Crime Control and Safe Streets Act of 1968, determines does not meet the requirements of this section, the Administrator shall make that State's allotment under the provisions of section 222(a) available to public and private agencies for [special emphasis prevention and treatment] programs as defined in *subsection* [224] *(a)* (*10*) (*11*). The Administrator shall [endeavor to] make such reallocated funds available on [a preferential] *an equitable* basis [to programs in nonparticipating States under section 224(a)(2) and] to those States that have achieved [substantial or] full compliance with the [subsection (a)(12)(A) requirement within the initial three years of participation or have achieved full compliance within a reasonable time thereafter as provided by subsection (c)] *requirements under subsection (a)(12)(A) and subsection (a)(13).*

Subpart II—Special Emphasis Prevention and Treatment Programs

SEC. 224. (a) The Administrator is authorized to make grants to and enter into contracts with public and private agencies, organizations, institutions, or individuals to—

(1) develop and implement new approaches, techniques, and methods with respect to juvenile delinquency programs;

(2) develop and maintain community-based alternatives to traditional forms of institutionalization;

(3) develop and implement effective means of diverting juveniles from the traditional juvenile justice and correctional system, including restitution projects which test and validate selected arbitration models, such as neighborhood courts or panels, and increase victim satisfaction while providing alternatives to incarceration for detained or adjudicated delinquents;

(4) improve the capability of public and private agencies and organizations to provide services for delinquents and other youth to help prevent delinquency;

[(5) facilitate the adoption of the recommendations of the Advisory Committee and the Institute as set forth pursuant to section 247;]

(5) develop statewide programs through the use of subsidies or other financial incentives designed to—

(A) remove juveniles from jails and lock-ups for adults;

(B) replicate juvenile programs designated as exemplary by the National Institute of Justice; or

(C) establish and adopt, based upon recommendations of the Advisory Committee, standards for the improvement of juvenile justice within the State;

(6) develop and implement, in coordination with the [Commissioner] *Secretary* of Education, model programs and methods to keep students in elementary and secondary schools and to prevent unwarranted and arbitrary suspensions and expulsions and to encourage new approaches and techniques with respect to the prevention of school violence and vandalism;

(7) develop and support programs stressing advocacy activities aimed at improving services to youth impacted by the juvenile justice system;

(8) develop, implement, and support, in conjunction with the Secretary of Labor, other public and private agencies and organizations and business and industry programs for youth employment;

(9) improve the juvenile justice system to conform to standards of due process;

(10) develop and support programs designed to encourage and enable State legislatures to consider and further the purposes of this Act, both by amending State laws where necessary, and devoting greater resources to those purposes; and

(11) develop and implement programs relating to juvenile delinquency and learning disabilities, *including on-the-job training programs to assist law enforcement personnel and juvenile justice personnel to more effectively recognize and provide for learning disabled and other handicapped juveniles.*

(b) Twenty-five per centum of the funds appropriated for each fiscal year pursuant to this part shall be available only for special emphasis prevention and treatment grants and contracts made pursuant to this section.

(c) At least 30 per centum of the funds available for grants and contracts made pursuant to this section shall be available for grants and contracts to private nonprofit agencies, organizations, or institutions who have had experience in dealing with youth.

(d) Assistance provided pursuant to this section shall be available on an equitable basis to deal with disadvantaged youth, including females, minority youth, and mentally retarded and emotionally or physically handicapped youth.

CONSIDERATIONS FOR APPROVAL OF APPLICATIONS

SEC. 225. (a) Any agency, institution, or individual desiring to receive a grant, or enter into any contract under section 224, shall submit an application at such time, in such manner, and containing or accompanied by such information as the Administrator may prescribe.

(b) In accordance with guidelines established by the Administrator, each such application shall—

(1) provide that the program for which assistance is sought will be administered by or under the supervision of the applicant;

(2) set forth a program for carrying out one or more of the purposes set forth in section 224;

(3) provide for the proper and efficient administration of such program;

(4) provide for regular evaluation of the program;

(5) indicate that the applicant has requested the review of the application from the State planning agency and local agency designated in section 223, when appropriate, and indicate the response of such agency to the request for review and comment on the application;

(6) provide that regular reports on the program shall be sent to the Administrator and to the State planning agency and local agency, when appropriate;

(7) provide for such fiscal control and fund accounting procedures as may be necessary to assure prudent use, proper disbursement, and accurate accounting of funds received under this title; and

(8) indicate the response of the State agency or the local agency to the request for review and comment on the application.

(c) In determining whether or not to approve applications for grants under section 224, the Administrator shall consider—

(1) the relative cost and effectiveness of the proposed program in effectuating the purposes of this part;

(2) the extent to which the proposed program will incorporate new or innovative techniques;

(3) the extent to which the proposed program meets the objectives and priorities of the State plan, when a State plan has been approved by the Administrator under section 223(c) and when the location and scope of the program makes such consideration appropriate;

(4) the increase in capacity of the public and private agency, institution, or individual to provide services to delinquents and other youth to help prevent delinquency;

(5) the extent to which the proposed project serves communities which have high rates of youth unemployment, school dropout, and delinquency;

(6) the extent to which the proposed program facilitates the implementation of the recommendations of the Advisory Committee as set forth pursuant to section 247; and

(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred and fifty thousand.

(d) No city should be denied an application solely on the basis of its population.

GENERAL PROVISIONS

Withholding

SEC. 226. Whenever the Administrator, after giving reasonable notice and opportunity for hearing to a recipient of financial assistance under this title, finds—

(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Administrator shall initiate such proceedings as are appropriate.

USE OF FUNDS

SEC. 227. (a) Funds paid pursuant to this title to any public or private agency, organization, institution, or individual (whether directly or through a State planning agency) may be used for—

(1) planning, developing, or operating the program designed to carry out the purposes of this part; and

(2) not more than 50 per centum of the cost of the construction of innovative community-based facilities [illegible] less than twenty persons which, in the judgment of the Administrator, are necessary for carrying out the purposes of this part.

(b) Except as provided by subsection (a), no funds paid to any public or private agency, institution, or individual under this part (whether directly or through a State agency or local agency) may be used for construction.

PAYMENTS

SEC. 228. (a) In accordance with criteria established by the Administrator, it is the policy of Congress that programs funded under this title shall continue to receive financial assistance providing that the yearly evaluation of such programs is satisfactory.

[(b) At the discretion of the Administrator, when there is no other way to fund an essential juvenile delinquency program not funded by the Law Enforcement Assistance Administration, the State may utilize 25 per centum of the formula grant funds available to it under this part to meet the non-Federal matching share requirement for any other Federal juvenile delinquency program grant.]

[(c)] *(b)* Whenever the Administrator determines that it will contribute to the purposes of part A or part C he may require the recipient of any grant or contract to contribute money, facilities, or services.

[(d)] *(c)* Payments under this part, pursuant to a grant or contract, may be made (after necessary adjustment, in the case of grants, on account of previously made overpayments or underpayments) in advance or by way of reimbursements, in such installments and on such conditions as the Administrator may determine.

[(e)] *(d)* Except as provided in the second sentence of section 222 (c), financial assistance extended under the provisions of this title shall be 100 per centum of the approved costs of any program or activity.

[(f)] *(e)* In the case of a grant under this part to an Indian tribe or other aboriginal group, if the Administrator determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administrator may increase the Federal share of the cost thereof to the extent he deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing any liability on Indian tribes, the Administrator is authorized to waive State liability and may pursue such legal remedies as are necessary.

[(g)] *(f)* If the Administrator determines, on the basis of information available to him during any fiscal year, that a portion of the funds granted to an applicant under *subpart II of* this part for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section [509] *830* of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, that portion shall be available for reallocation *in an equitable manner to States which have complied with the requirements in section 223(a)(12)(A) and section 223(a)(13), under section 224(a)(5)* [under section 224] of this title.

CONFIDENTIALITY OF PROGRAM RECORDS

SEC. 229. Except as authorized by law, program records containing the identity of individual juveniles gathered for purposes pursuant to this title may not be disclosed except with the consent of the service recipient or legally authorized representative, or as may be necessary to perform the functions required by this title. Under no circumstances may project reports or findings available for public dissemination contain the actual names of individual service recipients.

PART C—NATIONAL INSTITUTE FOR JUVENILE JUSTICE AND DELINQUENCY PREVENTION

SEC. 241. (a) There is hereby established within the Juvenile Justice and Delinquency Prevention Office a National Institute for Juvenile Justice and Delinquency Prevention.

(b) The National Institute for Juvenile Justice and Delinquency Prevention shall be under the supervision and direction of the [Associate] Administrator, and shall be headed by a Deputy [Associate] Administrator of the Office appointed under section 201(f).

(c) The activities of the National Institute for Juvenile Justice and Delinquency Prevention shall be coordinated with the activities of the National Institute of [Law Enforcement and Criminal] Justice in accordance with the requirements of section 201(b).

(d) It shall be the purpose of the Institute to provide a coordinating center for the collection, preparation, and dissemination of useful data regarding the treatment and control of juvenile offenders, and it shall also be the purpose of the Institute to provide training for representatives of Federal, State, and local law enforcement officers, teachers, and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation personnel, correctional personnel and other persons, including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations, connected with the treatment and control of juvenile offenders.

(e) In addition to the other powers, express and implied, the Institute may—

(1) request any Federal agency to supply such statistics, data, program reports, and other material as the Institute deems necessary to carry out its functions;

(2) arrange with and reimburse the heads of Federal agencies for the use of personnel or facilities or equipment of such agencies;

(3) confer with and avail itself of the cooperation, services, records, and facilities of State, municipal, or other public or private local agencies;

(4) make grants and enter into contracts with public or private agencies, organizations, or individuals, for the partial performance of any functions of the Institute;

(5) compensate consultants and members of technical advisory councils who are not in the regular full-time employ of the United States, at a rate now or hereafter prescribed for GS-18 of the General Schedule by section 5332 of title 5 of the United States Code and while away from home, or regular place of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the Government service employed intermittently; and

(6) assist, through training, the advisory groups established pursuant to section 223(a)(3) or comparable public or private citizen groups in nonparticipating States in the accomplishment of their objectives consistent with this Act.

(f) Any Federal agency which receives a request from the Institute under subsection (e)(1) may cooperate with the Institute and shall, to the maximum extent practicable, consult with and furnish information and advice to the Institute.

INFORMATION FUNCTION

SEC. 242. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) serve as an information bank by collecting systematically and synthesizing the data and knowledge obtained from studies and research by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency, including the prevention and treatment of juvenile delinquency;

(2) serve as a clearinghouse and information center for the preparation, publication, and dissemination of all information regarding juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans, availability of resources, training and educational programs, statistics, and other pertinent data and information.

RESEARCH, DEMONSTRATION, AND EVALUATION FUNCTIONS

SEC. 243. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) conduct, encourage, and coordinate research and evaluation into any aspect of juvenile delinquency, particularly with regard to new programs and methods which show promise of making a contribution toward the prevention and treatment of juvenile delinquency;

(2) encourage the development of demonstration projects in new, innovative techniques and methods to prevent and treat juvenile delinquency;

(3) provide for the evaluation of all juvenile delinquency programs assisted under this title in order to determine the results and the effectiveness of such programs;

(4) provide for the evaluation of any other Federal, State, or local juvenile delinquency program, upon the request of the Associate Administrator;

(5) prepare, in cooperation with educational institutions, Federal, State, and local agencies, and appropriate individuals and private agencies, such studies as it considers to be necessary with respect to the prevention and treatment of juvenile delinquency and related matters, including recommendations designed to promote effective prevention and treatment, such as assessments regarding the role of family violence, sexual abuse or exploitation and media violence in delinquency, the improper handling of youth placed in one State by another State, the possible ameliorating roles of recreation and the arts, and the extent to which youth in the juvenile system are treated differently on the basis of sex and the ramifications of such practices;

(6) disseminate the results of such evaluations and research and demonstration activities particularly to persons actively working in the field of juvenile delinquency; and

(7) disseminate pertinent data and studies (including a periodic journal) to individuals, agencies, and organizations concerned with the prevention and treatment of juvenile delinquency.

TRAINING FUNCTIONS

SEC. 244. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to—

(1) develop, conduct, and provide for training programs for the training of professional, paraprofessional, and volunteer personnel, and other persons who are or who are preparing to work with juveniles and juvenile offenders;

(2) develop, conduct, and provide for seminars, workshop, and training programs in the latest proven effective techniques and methods of preventing and treating juvenile delinquency for law enforcement officers, juvenile judges, and other court personnel, probation officers, correctional personnel, and other Federal, State, and local government personnel who are engaged in work relating to juvenile delinquency;

(3) devise and conduct a training program, in accordance with the provisions of sections [249, 250, and 251,] *248, 249, 250,* of short-term instruction in the lastest proven-effective methods of prevention, control, and treatment of juvenile delinquency for correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency; and

(4) develop technical training teams to aid in the development of training programs in the States and to assist State and local agencies which work directly with juveniles and juvenile offenders.

INSTITUTE ADVISORY COMMITTEE

SEC. 245. The Advisory Committee shall advise, consult with, and make recommendations to the [Associate] Administrator concerning the overall policy and operations of the Institute.

ANNUAL REPORT

SEC. 246. The Deputy [Associate] Administrator for the National Institute for Juvenile Justice and Delinquency Prevention shall develop annually and submit to the [Associate] Administrator after the first year the legislation is enacted, prior to September 30, a report on research, demonstration, training, and evaluation programs funded under this title, including a review of the results of such programs, an assessment of the application of such results to existing and to new juvenile delinquency programs, and detailed recommendations for future research, demonstration, training, and evaluation programs. The [Associate] Administrator shall include a summary of these results and recommendations in his report to the President and Congress required by section 204(b)(5).

DEVELOPMENT OF STANDARDS FOR JUVENILE JUSTICE

SEC. 247. (a) The National Institute for Juvenile Justice and Delinquency Prevention, under the supervision of the Advisory Committee, shall review existing reports, data, and standards, relating to the juvenile justice system in the United States.

(b) Not later than one year after the passage of this section, the Advisory Committee shall submit to the President and the Congress a report which, based on recommended standards for the administration of juvenile justice at the Federal, State, and local level—

(1) recommends Federal action, including but not limited to administrative and legislative action, required to facilitate the adoption of these standards throughout the United States; and

(2) recommends State and local action to facilitate the adoption of these standards for juvenile justice at the State and local level.

(c) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Advisory Committee such information as the Committee deems necessary to carry out its functions under this section.

(d) Following the submission of its report under subsection (b) the Advisory Committee shall direct its efforts toward refinement of the recommended standards and may assist State and local governments and private agencies and organizations in the adoption of appropriate standards at State and local levels. The National Institute for Juvenile Justice and Delinquency Prevention is authorized to develop and support model State legislation consistent with the mandates of this Act and the standards developed by Advisory Committee.

ESTABLISHMENT OF TRAINING PROGRAM

SEC. 248. (a) The [Associate] Administrator shall establish within the Institute a training program designed to train enrollees with respect to methods and techniques for the prevention and treatment of juvenile delinquency. In carrying out this program the [Associate] Administrator is authorized to make use of available State and local services, equipment, personnel, facilities, and the like.

(b) Enrollees in the training program established under this section shall be drawn from correctional and law enforcement personnel, teachers and other educational personnel, juvenile welfare workers, juvenile judges and judicial personnel, probation officers, and other persons (including lay personnel, including persons associated with law-related education programs, youth workers, and representatives of private youth agencies and organizations) connected with the prevention and treatment of juvenile delinquency.

CURRICULUM FOR TRAINING PROGRAM

SEC. 249. The [Associate] Administrator shall design and supervise a curriculum for the training program established by section 248 which shall utilize an interdisciplinary approach with respect to the prevention of juvenile delinquency, the treatment of juvenile delinquents, and the diversion of youths from the juvenile justice system. Such curriculum shall be appropriate to the needs of the enrollees of the training program.

ENROLLMENT FOR TRAINING PROGRAM

SEC. 250. (a) Any person seeking to enroll in the training program established under section 248 shall transmit an application to the [Associate] Administrator, in such form and according to such procedures as the [Associate] Administrator may prescribe.

(b) The [Associate] Administrator shall make the final determination with respect to the admittance of any person to the training program. The [Associate] Administrator, in making such determination, shall seek to assure that persons admitted to the training program are broadly representative of the categories described in section 248(b).

(c) While studying at the Institute and while traveling in connection with his study (including authorized field trips), each person enrolled in the Institute shall be allowed travel expenses and a per diem allowance in the same manner as prescribed for persons employed intermittently in the Government service under section 5703[(b)] of title 5, United States Code.

PART D—ADMINISTRATIVE PROVISIONS

SEC. 261. (a) To carry out the purposes of this title there is authorized to be appropriated [$150,000,000 for the fiscal year ending September 30, 1978, $175,000,000 for the fiscal year ending September 30, 1979, and] $200,000,000 [for the fiscal year ending September 30, 1980.] *for each of the fiscal years ending September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984.* Funds appropriated for any fiscal year may remain available for obligation until expended.

(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law

Enforcement Assistance Administration, each fiscal year, at least 19.15 percent of the total appropriations for the Administration, for juvenile delinquency programs.

APPLICABILITY OF OTHER ADMINISTRATIVE PROVISIONS

[SEC. 262. The administrative provisions of title I of the Omnibus Crime Control and Safe Streets Act of 1968, designated as sections 501, 504, 507, 509, 510, 511, 516, 518(c), 521, and 524 (a) and (c) of such Act, are incorporated herein as administrative provisions applicable to this Act.]

SEC. 262. (a) The administrative provisions of sections 802(a), 802(c), 803, 804, 805, 806, 807, 810, 812, 813, 814(a), 815(c), 817(a), 817(b), 817(c), 818(a), 818(b), and 818(d) of the Omnibus Crime Control and Safe Streets Act of 1968 are incorporated in this Act as administrative provisions applicable to this Act. References in the cited sections authorizing action by the Director of the Office of Justice Assistance, Research and Statistics, the Administrator of the Law Enforcement Assistance Administration, the Director of the National Institute of Justice, and the Director of the Bureau of Justice Statistics also shall be construed as authorizing the Administrator of the Office of Juvenile Justice and Delinquency Prevention to perform the same action.

(b) The Office of Justice Assistance, Research, and Statistics shall directly provide staff support to, and coordinate the activities of, the Office of Juvenile Justice and Delinquency Prevention in the same manner as it is authorized to provide staff support and coordinate the activities of the Law Enforcement Assistance Administration, National Institute of Justice, and Bureau of Justice Statistics pursuant to section 801(b) of the Omnibus Crime Control and Safe Streets Act of 1968.

EFFECTIVE CLAUSE

SEC. 263. (a) Except as provided by subsections (b) and (c), the foregoing provisions of this Act shall take effect on the date of enactment of this Act.

(b) Section 204(b)(5) and 204(b)(6) shall become effective at the close of the thirty-first day of the twelfth calendar month of 1974. Section 204(l) shall become effective at the close of the thirtieth day of the eleventh calendar month of 1976.

(c) Except as otherwise provided by the Juvenile Justice Amendments of 1977, the amendments made by the Juvenile Justice Amendments of 1977 shall take effect on October 1, 1977.

TITLE III—RUNAWAY *AND HOMELESS* YOUTH

SHORT TITLE

SEC. 301. This title may be cited as the "Runaway *and Homeless* Youth Act".

FINDINGS

SEC. 302. The Congress hereby finds that—

(1) the number of juveniles who leave and remain away from home without parental permission has increased to alarming pro-

portions, creating a substantial law enforcement problem for the communities inundated, and significantly endangering the young people who are without resources and live on the street;

(2) the exact nature of the problem is not well defined because national statistics on the size and profile of the runaway youth population are not tabulated;

(3) many such young people, because of their age and situation, are urgently in need of temporary shelter and counseling services;

(4) the problem of locating, detaining, and returning runaway children should not be the responsibility of already overburdened police departments and juvenile justice authorities; and

(5) in view of the interstate nature of the problem, it is the responsibility of the Federal Government to develop accurate reporting of the problem nationally and to develop an effective system of temporary care outside the law enforcement structure.

RULES

SEC. 303. The Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this title.

PART A—GRANTS PROGRAM

PURPOSES OF GRANT PROGRAM

SEC. 311. (*a*) The Secretary is authorized to make grants and to provide technical assistance and short-term training to States, localities and nonprofit private agencies and coordinated networks of such agencies in accordance with the provisions of this part. Grants under this part shall be made *equitably among the States based upon their respective populations of youth under 18 years of age* for the purpose of developing local facilities to deal primarily with the immediate needs of runaway youth or otherwise homeless youth, *and their families*, in a manner which is outside the law enforcement structure and juvenile justice system. The size of such grant shall be determined by the number of such youth in the community and the existing availability of services. *Grants also may be made for the provision of a national communications system for the purpose of assisting runaway and homeless youth in communicating with their families and with service providers.* Among applicants priority shall be given to private organizations or institutions which have had past experience in dealing with such youth.

(b) The Secretary is authorized to provide supplemental grants to runaway centers which are developing, in cooperation with local juvenile court and social service agency personnel, model programs designed to provide assistance to juveniles who have repeatedly left and remained away from their homes or from any facilities in which they have been placed as the result of an adjudication.

(c) The Secretary is authorized to provide on-the-job training to local runaway and homeless youth center personnel and coordinated networks of local law enforcement, social service, and welfare personnel to assist such personnel in recognizing and providing for learning disabled and other handicapped juveniles.

ELIGIBILITY

SEC. 312. (a) To be eligible for assistance under this part, an applicant shall propose to establish, strengthen, or fund an existing or proposed runaway [house] *center*, a locally controlled facility providing temporary shelter, and counseling services to juveniles who have left home without permission of their parents or guardians *or to other homeless juveniles*.

(b) In order to qualify for assistance under this part, an applicant shall submit a plan to the Secretary meeting the following requirements and including the following information. Each [house] *center*—

(1) shall be located in an area which is demonstrably frequented by or easily reachable by runaway youth;

(2) shall have a maximum capacity of no more than twenty children, with a ratio of staff to children of sufficient portion to assure adequate supervision and treatment;

(3) shall develop adequate plans for contacting the child's parents or relatives (if such action is required by State law) and assuring the safe return of the child according to the best interests of the child, for contacting local government officials pursuant to informal arrangements established with such officials by the runaway [house] *center*, and for providing for other appropriate alternative living arrangements;

(4) shall develop an adequate plan for assuring proper relations with law enforcement personnel, *social service personnel, and welfare personnel*, and the return of runaway youths from correctional institutions;

(5) shall develop an adequate plan for aftercare counseling involving runaway youth and their parents within the State in which the runaway [house] *center* is located and for assuring, as possible, that aftercare services will be provided to those children who are returned beyond the State in which the runaway [house] *center* is located;

(6) shall keep adequate statistical records profiling the children and parents which it serves, except that records maintained on individual runaway youths shall not be disclosed without the consent of the individual youth and parent or legal guardian to anyone other than another agency compiling statistical records or a government agency involved in the disposition of criminal charges against an individual runaway youth, and reports or other documents based on such statistical records shall not disclose the identity of individual runaway youths;

(7) shall submit annual reports to the Secretary detailing how the [house] *center* has been able to meet the goals of its plans and reporting the statistical summaries required by paragraph (6);

(8) shall demonstrate its ability to operate under accounting procedures and fiscal control devices as required by the Secretary;

(9) shall submit a budget estimate with respect to the plan submitted by such [house] *center* under this subsection; and

(10) shall supply such other information as the Secretary reasonably deems necessary.

APPROVAL BY SECRETARY

SEC. 313. An application by a State, locality, or nonprofit private agency for a grant under this part may be approved by the Secretary only if it is consistent with the applicable provisions of this part and meets the requirements set forth in section 312. Priority shall be given to grants smaller than [$100,000] *$150,000*. In considering grant applications under this part, priority shall be given to [any applicant whose program budget is smaller than $150,000] *organizations which have a demonstrated experience in the provision of service to runaway and homeless youth and their families.*

GRANTS TO PRIVATE AGENCIES, STAFFING

SEC. 314. Nothing in this part shall be construed to deny grants to nonprofit private agencies which are fully controlled by private boards or persons but which in other respects meet the requirements of this part and agree to be legally responsible for the operation of the runaway house. Nothing in this part shall give the Federal Government control over the staffing and personnel decisions of facilities receiving Federal funds.

REPORTS

SEC. 315. The Secretary shall annually report to the Congress on the status and accomplishments of the runaway [houses] *centers* which are funded under this part, with particular attention to—

(1) their effectiveness in alleviating the problems of runaway youth;

(2) their ability to reunite children with their families and to encourage the resolution of intrafamily problems through counseling and other services;

(3) their effectiveness in strengthening family relationships and encouraging stable living conditions for children; and

(4) their effectiveness in helping youth decide upon a future course of action.

FEDERAL SHARE

SEC. 316 (a) The Federal share for the acquisition and renovation of existing structures, the provision of counseling services, staff training, and the general costs of operations of such facility's budget for any fiscal year shall be 90 per centum. The non-Federal share may be in cash or in kind, fairly evaluated by the Secretary, including plant, equipment, or services.

(b) Payments under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

PART B—RECORDS

RECORDS

SEC. 321. Records containing the identity of individual youths pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

PART C—REORGANIZATION

REORGANIZATION PLAN

SEC. 331. (a) After April 30, 1978, the President may submit to the Congress a reorganization plan which, subject to the provisions of subsection (b) of this section, shall take effect, if such reorganization plan is not disapproved by a resolution of either House of the Congress, in accordance with the provisions of, and the procedures established by chapter 9 of title 5, United States Code, except to the extent provided in this part.

(b) A reorganization plan submitted in accordance with the provisions of subsection (a) shall provide—

(1) for the establishment of an Office of Youth Assistance which shall be the principal agency for purposes of carrying out this title and which shall be established—

(A) within the Office of Juvenile Justice and Delinquency Prevention in the Department of Justice; or

(B) within the ACTION Agency;

(2) that the transfer authorized by paragraph (1) shall be effective 30 days after the last date on which such transfer could be disapproved under chapter 9 of title 5, United States Code;

(3) that property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions of the Office of Youth Development within the Department of Health, Education, and Welfare in the operation of functions pursuant to this title, shall be transferred to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, and that all grants, applications for grants, contracts, and other agreements awarded or entered into by the Office of Youth Development shall continue in effect until modified, superseded, or revoked;

(4) that all official actions taken by the Secretary of Health, Education, and Welfare, his designee, or any other person under the authority of this title which are in force on the effective date of such plan, and for which there is continuing authority under the provisions of this title, shall continue in full force and effect until modified, superseded, or revoked by the Associate Administrator for the Office of Juvenile Justice and Delinquency Prevention or by the Director of the ACTION Agency, as the case may be, as appropriate; and

(5) that references to the Office of Youth Development within the Department of Health, Education, and Welfare in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding shall, on and after such date, be deemed to refer to the Office of Youth Assistance within the Office of Juvenile Justice and Delinquency Prevention or within the ACTION Agency, as the case may be, as appropriate.

PART D—AUTHORIZATION OF APPROPRIATIONS

SEC. 341. (a) To carry out the purposes of part A of this title there is authorized to be appropriated for each of the fiscal years ending

[June 30, 1975, and 1976, and September 30, 1977, the sum of $10,000,000, and for each of the fiscal years ending September 30, 1978, 1979, and 1980] *September 30, 1981, September 30, 1982, September 30, 1983, and September 30, 1984*, the sum of $25,000,000.

(b) The Secretary (through the Office of Youth Development which shall administer this title) shall consult with the Attorney General (through the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention) for the purpose of coordinating the development and implementation of programs and activities funded under this title with those related programs and activities funded under title II of this Act and under the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

SUPPLEMENTAL VIEWS

The goal of the Juvenile Justice and Delinquency Prevention Act, has been, among other purposes, to encourage participating states and the juvenile justice system within those states to remove status and nonoffenders from secure detention and correctional facilities. We share this important goal, but do not believe the mandate should be so inflexible as to preclude the courts from making rational dispositions. The current Act requires states who wish to continue to participate in JJDP programs to remove all status and nonoffenders from secure detention and correctional facilities within five years after the acceptance of their initial state plan. This mandate excessively limits the courts' ability to respond to status offenders who chronically and habitually refuse to accept voluntary treatment recommended by the court.

During Full Committee consideration, a provision of the bill was removed which provides juvenile courts with the flexibility needed to respond to the problems of juveniles who chronically refuse voluntary treatment. This provision, which the Subcommittee had adopted, amended section 223(a)(12)(A) to enable juvenile courts to place status and nonoffenders in secure detention and correctional facilities only if they were found "in violation of a valid court order."

We believe the amendment prudently deals with the real world problem of chronic and habitual status offenders. The experience of any juvenile court will show that chronic or habitual status offenders regularly come before these courts and are regularly released to repeat the very same offense; and the current provision of the Juvenile Justice Amendments leave juvenile justices with virtually no option to prevent this situation. The current Act implies that juveniles who are status offenders by definition are better able to make decisions regarding their own best interest than the court. We believe it is dangerous and poor policy to remove such juveniles from the authority of the juvenile court not only because it results in less effective treatment for such youth but allows such youth to continually flout the legal system. As Judge John R. Milligan of Ohio queried of the Human Resources Subcommittee with respect to this absurdity:

"Does Congress intend that every child have the ultimate right, at any age, to decide for himself whether he will (1) continue to run away from home; (2) go to school; (3) consume alcohol; or (4) violate legitimate court orders?"

The irony is that in order to restrain chronic status offenders, prosecutors have begun to push for more serious charges in order to bring the juveniles within the courts authority.

The Subcommittee on Human Resources agreed with Judge Milligan that the court needed discretion to deal with chronic status offenders and adopted this amendment which allows the court such discretion *only* if such youth violate a valid court order.

We believe the provision contains numerous safeguards:

(1) In order to be in violation of a valid court order, a juvenile must first have been brought into court and be made subject to a court order. Thus, no first time status offenders could be incarcerated under the provision. The juvenile in question would have

received adequate and fair warning of the consequences of violation of the order at the time it was issued.

(2) The use of "valid" permits the incarceration of juveniles only if they have received their full due process rights. These rights have been specifically enumerated by the Supreme Court in *in re Gault* as follows:

(i) the right to have the charges against the juvenile in writing, severed upon him a reasonable time before the hearing;

(ii) the right to a hearing before a court;

(iii) the right to an explanation of the nature and consequences of the proceedings;

(iv) the right to legal counsel, and the right to have such counsel appointed by the court if indigent;

(v) the right to confront witnesses;

(vi) the right to present witnesses;

(vii) the right to have a transcript or record of the proceedings; and

(viii) the right of appeal to an appropriate court.

(3) The purpose of the Juvenile Justice and Delinquency Prevention Act is to discourage the placement of juveniles in secure facilities unless there is no rational alternative to incarceration. We believe the intent of the Act is to provide sufficient resources and incentives to insure that rational alternatives are available and that there would be few if any instances where juvenile status offenders or nonoffenders would be incarcerated.

But from the start the amendment has been misrepresented. The Office of Juvenile Justice and Delinquency Prevention, for example, described the effect of this amendment as negating "six years of progress in assuring that status offenders and nonoffenders are not treated like criminal offenders by the justice system." Others have gone so far as to infer that this provision would result in dictatorial judges throwing young people into prison cells for no just cause.

Apparently opponents of the amendment do not believe that there are juveniles who habitually ignore or refuse to accept voluntary treatment recommended by the courts. Nor do they believe that judges have the capability to make well-balanced and thoughtful decisions regarding such youth. They would rather leave the court with no option to deal with chronic status offenders rather than provide them with discretion in certain cases.

We disagree. This provision responds fairly to the problem of incorrigible juveniles remaining beyond the authority of the judicial system until they commit a more serious offense. Current law is an obstacle to appropriate treatment of such juveniles. We believe that this amendment must be reoffered on the House Floor and accepted if the Juvenile Justice and Delinquency Prevention Act is to truly carry out its mandate.

JUVENILE JUSTICE AMENDMENTS

J. M. ASHBROOK.
TOM COLEMAN.
DAN CRANE.
JOHN N. ERLENBORN.
KEN KRAMER.
THOMAS J. TAUKE.
JON HINSON.

INDIVIDUAL MINORITY VIEWS BY HON. KEN KRAMER

During Full Committee consideration of the Juvenile Justice and Delinquency Prevention Act I offered a series of amendments to the youth advocacy initiatives section of the bill which would have prohibited the direct or indirect use of federal funds to lobby Congress, State or local legislative bodies, regulatory agencies, or to subsidize court suits on behalf of youth.

These amendments were offered in the belief that it is improper to use federal funds to subsidize communication designed to bring about system change advocated by some groups with tax funds collected from all our citizens.

I believe we must question whether or not we will continue to allow federal funds to be used in this manner to support one group's position over and above that of another, especially where the group's objective using these federal dollars is to bring about legislative change so that the philosophy of a few can be used as a tool of social change to disrupt the established laws and social justice systems established by the majority.

I do not believe this was the will, or wish of the 95th Congress when it enacted the youth advocacy programs. Yet, inaction on the part of the 96th Congress may well lead to such a result if H.R. 6704 is not amended to prohibit the use of youth advocacy grant funds for lobbying.

The 95th Congress authorized youth advocacy initiatives as "projects designed to develop and implement programs stressing advocacy activities aimed at improving services for and protecting the rights of youth impacted by the juvenile justice system." Yet, the $12.1 million in youth advocacy grant dollars the Office of Juvenile Justice is presently in the process of awarding to 20 out of 184 hopeful youth advocacy applicants will be going to grantees who have complied with the youth advocacy guidelines promulgated by the agency. On page 1, these 1979 October Guidelines say grant program objectives shall be "specific system reforms at the state and local levels leading to a greater availability and better quality of services to youth by juvenile justice, education and social service agencies and institutions." On page two of the guidelines the guidelines state that the targets of these program objectives shall be the "statutes, regulations, policies and practices of the juvenile justice system, education system and social service system, which are insensitive or detrimental to the needs and best interests of youth."

As the Office of Juvenile Justice is accepting national as well as state and local grant applications, one can only conclude that if national grants are awarded, they must meet these guideline criteria of system reform. This inference seems substantiated by the only section in the guidelines which refers to national youth advocacy. Under a section entitled "Recent Examples of Youth Advocacy", the national youth advocacy section states, in pertinent part:

"National groups engage in educational efforts directed at the formation of federal, legislative and administrative policy and programs. They share their views with individual members of Congress and their staff members, Congressional Committees, and Executive Branch officials and staff members. To build grass roots support, they communicate their views to their constituencies through newsletters, publications, conferences and the mass media.

Most of these groups are concerned with reform of the systems that serve young people: education, juvenile justice, employment and welfare, health and shelter. Their research publications document the inadequacies of these systems presently and point to options and alternatives for improvement. Their hope is that the general public, legislators, and administrators will be influenced to call for fundamental change in youth serving systems." (October 1979 Youth Advocacy Guidelines at page 14–15)

Since 18 U.S.C. Sec. 1913 prohibits the use of federally appropriated funds to lobby Congress, one can only wonder how compliance with this statute can be met where national youth advocacy grantees are concerned. As the stated targets of youth advocacy grants are the "statutes, regulations, policies and practices of the juvenile justice system, educational system, and the social service system," if the objectives of national youth advocacy grants are to bring about system change at the national level of government, then clearly the objectives of such grants conflict with a federally prohibited activity.

The use of federal funds to lobby is prohibited by 18 U.S.C. Sec. 1913 whether direct, or indirect, whether a personal service, advertisement, telegram, telephone, letter, printed or written matter, or any other device intended or designed to influence in any manner a Member of Congress. Moreover, this statute has been interpreted to prohibit the use of federal funds by an agency which funds a grant or contract when the grantee or contractee uses the funds for propaganda or lobbying activities that imply government sponsorship or endorsement. In these cases the agency has an affirmative responsibility to prevent the use of such funds in this manner in the future. (See letter opinion of the Comptroller General of the U.S. B–128939, July 12, 1976.)

Since it is clear from 18 U.S.C. Sec. 1913 that youth advocacy grantees may not lobby Congress with their grant funds, then the question becomes whether or not the use of youth advocacy grant funds to lobby state legislatures or local legislative bodies or regulatory agencies is appropriate. They, unlike Congress, are not protected by law or statute from the use of federal funds in this manner.

I believe the answer is clear. Since State and local elected officials operate under the same pressures as Members of Congress, they should not be any more subject to the influence of federal funds being used to bring about change through confrontation politics than Members of Congress.

We should not allow tax dollars to be used to lobby for change at the state and local levels of government. Such policy has been determined by state and local elected officials who reflect the wills of their constituencies. Using federal dollars as a tool of change in this manner is using it as a tool against the taxpayers who contributed those dollars. If reform of the juvenile justice system comes, it should evolve as a result of the ebb and tug of day to day business within our legislatures. Youth advocacy programs should educate, and inform, and suggest, nothing more. Therefore, as a matter of policy, the prohibitions of 18 U.S.C. Sec. 1913 prohibiting the use of federal funds to lobby Congress should apply to State and local legislative bodies, and regulatory agencies as well. The rationale which precludes the use of funds to lobby Congress should apply with equal force to these bodies.

Finally, the focus of youth advocacy programs should be on the improvement of services. Radical system change brought about in the courts through the use of federal tax dollars can be just as damaging as the use of such funds for lobbying. If litigation is required, then the proper proponent of this litigation is the Department of Justice, not nongovernmental grantee vigilantees. This is an improper use of federal grant dollars, and should be specifically disallowed in the statute.

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